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Criminal accountability of United Nations officials and experts on mission

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Report of the Secretary-General

Summary

The present report has been prepared pursuant to paragraphs 24 and 25 of General Assembly resolution 70/114. Section II contains information received from governments on the extent to which jurisdiction, in particular over crimes of a serious nature committed by their nationals while serving as United Nations officials or experts on mission, is established under their national laws. Section III provides information received from governments on the handling of credible allegations that reveal that a crime may have been committed by United Nations officials or experts on mission by States against whose nationals such allegations are made, and matters relating thereto. Section IV provides information on cooperation among States and with the United Nations in the exchange of information and the facilitation of investigations and prosecution of such individuals, as well as the protection of victims and witnesses in this process. Section V provides comments received from governments on the report of the Group of Legal Experts on ensuring the accountability of United Nations staff and experts on mission with respect to criminal acts committed in peacekeeping operations (A/60/980), including on the question of future action. Sections VI and VII relate to information on activities within the Secretariat.

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I. Introduction

1. In its resolution 70/114, the General Assembly requested the Secretary-General to report to it at its seventy-first session on the implementation of the resolution, in particular with respect to paragraphs 7, 9, 12, 15 and 16, as well as any practical problems in its implementation, on the basis of information received from governments and the Secretariat.

2. In a note verbale dated 31 December 2015, the Secretary-General drew the attention of all States to General Assembly resolution 70/114 and requested them to submit relevant information. The present report provides information on efforts undertaken in that regard. Replies have been received from the following States: Australia, Belarus, Bulgaria, Cyprus, El Salvador, Georgia, Greece, Kuwait, Spain, Switzerland and the United Kingdom of Great Britain and Northern Ireland.

3. In addition, in a second note verbale, also dated 31 December 2015, the Secretary-General drew the attention of all States to paragraphs 22 and 23 of resolution 70/114, and requested them to submit relevant information pertaining to the preparation of a compilation by the Secretariat, based on information which should be received from all Member States, of national provisions regarding the establishment of jurisdiction over their nationals, whenever they serve as United Nations officials or experts on mission, in relation to crimes as known in their existing national criminal laws, particularly those of a serious nature. To assist in the collation of relevant information, a questionnaire, appearing as annex I to the present report, was circulated to all Member States on 24 May 2016, and redistributed on 12 July 2016. Replies to either the note verbale or the questionnaire, or both, were received, as at 20 July 2016, from the following States: Belgium, Canada, Czech Republic, El Salvador, Finland, Norway, Poland, the Republic of Korea, Spain, Sweden and the United Kingdom. The full texts of the replies to the questionnaire are available on the website of the Sixth Committee. The information is still being analysed by the Secretariat and has not been included in the present report. Those States that have not yet responded to the questionnaire are encouraged to complete it.

4. Sections II, III and IV of the present report concern activities and information received relating to the criminal accountability of United Nations officials and experts on mission, as required under paragraphs 7 to 9, 15 and 21 of resolution 70/114. Section V provides comments received from States with respect to paragraph 12, by which Member States were invited to submit further comments on the report of the Group of Legal Experts, including on the question of future action.

5. Sections VI and VII of the present report relate to activities undertaken within the Secretariat in the implementation of paragraphs 5, 10, 11, 15 to 20 and 25 of the resolution, focusing in particular on information regarding the bringing of credible allegations that reveal that a crime may have been committed by United Nations officials or experts on mission to the attention of the States against whose nationals such allegations are made, and matters relating thereto.

6. The present report should be read together with previous reports of the Secretary-General under this item (A/70/208, A/69/210, A/68/173, A/67/213, A/66/174 and Add.1, A/65/185, A/64/183 and Add.1 and A/63/260 and Add.1).

7. It should be recalled that the present report, together with the work of the Sixth Committee of the General Assembly on the present item, focuses on issues surrounding the criminal accountability of United Nations officials and experts on mission. Other entities within the Organization, pursuant to their respective mandates, also address aspects that bear on the item, including the work of the Conduct and Discipline Unit of the Department of Field Support, the Office of Internal Oversight Services, the Ethics Office and the Joint Inspection Unit. In addition, the Office of the Special Coordinator on Improving the United Nations Response to Sexual Exploitation and Abuse was established in February 2016 as part of a series of ongoing measures derived from the Secretary-General's analysis of the report of the external independent review panel on sexual exploitation and abuse by international peacekeeping forces in the Central African Republic, submitted on 17 December 2015. The Office of the Special Coordinator has recently requested Member States to provide any manuals on military law/the military justice system, or rules and regulations on its execution of military law (summary jurisdiction) and powers conferred upon the commanding officers of deployed contingents to investigate and prosecute the offenders in the mission. The information requested is limited to the issue of sexual exploitation and sexual abuse, and to military personnel.

8. Given the cross-cutting nature of the subject, attention may be drawn to other recent reports prepared pursuant to other mandates, in particular: (a) the report of the High-level Independent Panel on Peace Operations on uniting our strengths for peace: politics, partnership and people (A/70/95-S/2015/446), and the report of the Secretary-General on the future of United Nations peace operations: implementation of the recommendations of the High-Level Independent Panel on Peace Operations (A/70/357-S/2015/682), which dealt with aspects concerning peace operations and peacekeeping forces; (b) the report of the Joint Inspection Unit on fraud prevention, detection and response in United Nations system organizations (JIU/REP/2016/4), addressing financial crimes; (c) the evaluation report of the enforcement and remedial assistance efforts for sexual exploitation and abuse by the United Nations and related personnel in peacekeeping operations (IED-15-001, available from https://oios.un.org), prepared by the Office of Internal Oversight Services with respect to measures addressing protection from sexual exploitation and sexual abuse, as well as the report of the Secretary-General on special measures for protection from sexual exploitation and sexual abuse (A/70/729), prepared annually pursuant to General Assembly resolution 57/306.

II. Establishment of jurisdiction over crimes of a serious nature

Australia

9. Australia reiterated the information provided in its previous comments on this item (see A/63/260, paras. 5 and 6 and A/65/185, paras. 5-7).

Belarus

10. Belarus noted that, for its personnel taking part in activities for the maintenance of international peace and security as part of the United Nations Interim Force in Lebanon, the memorandum of understanding stated that military and civilian members of the contingent provided by Belarus were subject to the

exclusive jurisdiction of the Government in respect of any crimes or offences that might be committed by them while they were assigned to the military component of the operation. Belarus has undertaken to guarantee the immunities of United Nations officials and experts on official duties, and under bilateral agreements and domestic law it prosecutes persons whom it has deployed who have committed a crime.

11. Belarus reiterated information previously submitted relating to the establishment of jurisdiction (see A/64/183, paras. 6-8). In addition, Belarus highlighted the fact that under article 85 of its Criminal Code, exemption from criminal responsibility or punishment on the grounds of expiry of the statute of limitations did not apply to crimes against peace, crimes against the security of humankind or war crimes, and an exhaustive list of such crimes was set out.

Bulgaria

12. Bulgaria reiterated the information previously provided to the Secretary-General (see A/66/174, para. 5).

El Salvador

13. El Salvador reiterated the information contained in a previous report of the Secretary-General (see A/69/210, para. 7), and reported on predeployment training that was provided to its personnel with respect to criminal conduct for United Nations officials and experts on mission.

Finland

14. Finland reported that its military observers were subject to the disciplinary power of both the commander of the Finnish Army and the commander of operations, as defined in chapter 6 of the document of the Finnish Defence Forces on military superiors entitled to exercise disciplinary power (document No. HL687, 2 June 2015). Finland set out the responsibilities of specific positions within that chapter.

15. Finland also reported on training conducted for military observers, with regard to legal and gender issues, that dealt with the criminal accountability of military observers, both nationally and internationally, and in relation to host country issues. The training discussed, among other things, the offences referred to in chapters 11, on war crimes and crimes against humanity, and 45, on military offences, of the Criminal Code, and intervention in such offences.

Georgia

16. Georgia indicated that, according to article 5 (1) of the Criminal Code of Georgia, citizens of Georgia and stateless persons residing in Georgia who have committed an act prohibited by the Code abroad were criminally liable under the Code if that act was also considered to be a crime under the legislation of the State where it was committed. Article 5 (2) of the Code further established criminal liability for acts committed by Georgian citizens and stateless persons residing in Georgia even if the act prohibited in Georgia were not criminalized by the law of a country where it was committed. The provision stipulates that in such cases a culprit may still be held accountable if the crime were of a serious or especially serious

nature and directed against the interests of Georgia or if criminal liability for the crime were prescribed by the treaties to which Georgia was a party. Georgia reported that it was a State party to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment; the Geneva Conventions of 1949 and its Additional Protocol I; and the Statute of the International Criminal Court as amended by the Kampala Amendments.

Greece

17. Greece indicated that no updates were available for the information previously submitted (see A/63/260, paras. 18-20; A/68/173, paras. 6 and 7; and A/70/208, paras. 9-11).

Kuwait

18. Kuwait reiterated the information concerning its Penal Code contained in a previous report of the Secretary-General (see A/64/183, para. 15).

Spain

19. Spain reported that, under its legislation, Spanish courts exercised jurisdiction over crimes committed by Spanish nationals in a foreign country. Pursuant to article 23 (2) of the Organic Law on the Judiciary:

> Spanish courts shall also have jurisdiction over crimes committed outside the national territory, provided the perpetrators are Spanish nationals or foreign nationals who acquired Spanish nationality after committing the act, and provided the following requirements are met:
>
> (a) That the act is punishable in the place where it was committed, except where said requirement is not necessary under an international treaty or the regulations of an international organization to which Spain is a party, without prejudice to the stipulations below;
>
> (b) That the aggrieved party or the public prosecutor has brought action in a Spanish court;
>
> (c) That the perpetrator has not been exonerated, pardoned or punished in a foreign country or, in the latter case, has not completed his or her sentence. If said sentence has only been completed in part, that would be taken into account to reduce the corresponding sentence proportionately.

20. Pursuant to article 23 (4) of the Organic Law of the Judiciary, Spanish courts were also competent to hear cases concerning acts committed by Spanish nationals (or foreign nationals) outside the national territory, when such acts might constitute crimes of a more serious nature, such as genocide, torture, enforced disappearance, illegal trafficking of drugs, narcotics or psychotropic substances, trafficking of minors in return for freedom or sexual favours and corruption between individuals or in international business transactions. However, in all of those cases, the jurisdiction of Spanish courts would be subject to the fulfilment of specific requirements, based on the crime committed.

21. Spain stressed, therefore, that its nationals serving as United Nations officials or experts on mission who committed a crime outside Spanish territory were subject

to the jurisdiction of Spanish courts, and in particular that the crime was not required to be of a particularly serious nature.

Switzerland

22. Switzerland reiterated information provided for previous reports of the Secretary-General on the topic (see A/63/260, para. 33; A/66/174, paras. 19-21; and A/67/213, paras. 10-13).

23. Switzerland also reported that financial crimes were punishable under Swiss criminal law, which punished such acts as criminal mismanagement (article 158 of the Criminal Code), overcharging of taxes (article 313), misconduct in public office (article 314) and different forms of bribery (article 322 ter).

United Kingdom of Great Britain and Northern Ireland

24. The United Kingdom set out its three distinct criminal law jurisdictions and indicated that offences committed overseas by any United Kingdom national, whether they resided in England and Wales, Northern Ireland or Scotland, would be dealt with by the most appropriate jurisdiction.

25. The United Kingdom had not enacted any criminal legislation that applied specifically or only to its nationals when serving in their capacity as United Nations officials or experts on mission. However, the United Kingdom had enacted legislation that provided for extraterritorial jurisdiction over a number of offences committed by its nationals abroad. Such legislation applied to United Kingdom nationals serving as United Nations officials or experts on mission, subject to any relevant immunity they might enjoy as a matter of international law, as reflected in domestic law. The United Kingdom further noted that it had enacted legislation that provided for extraterritorial jurisdiction over specified classes of persons, namely, members of the British armed forces or anyone else who was at that time subject to service law and Crown Servants acting or purporting to act in the course of their employment.[1]

26. The United Kingdom stated that it had a long-standing policy of applying legislation extraterritorially only to the most serious offences (including those in relation to which a treaty obligation to extend jurisdiction extraterritorially was applicable), noting that there were challenges in securing convictions in relation to activities conducted abroad that related to the reliability and admissibility of evidence collected overseas. The United Kingdom further noted that it had in some cases extended its extraterritorial jurisdiction to cover persons with a close connection with the United Kingdom other than its own nationals. For example, the State's International Criminal Court Act 2001 provided for jurisdiction over genocide, war crimes and crimes against humanity committed overseas by persons who were "resident" in the United Kingdom.

27. The United Kingdom noted that, through domestic legislation (section 10 of the International Organisations Act 1968 and the United Nations and International Court of Justice (Immunities and Privileges) Order 1974 (SI 1974/1261)), it had given effect to the Convention on the Privileges and Immunities of the United

[1] The United Kingdom set out two tables including references to legislation covering extraterritorial jurisdiction for the two categories of individuals. Such information is available with the Secretariat.

Nations of 1946. Should criminal or civil proceedings be brought before courts of the United Kingdom against a person who might be entitled to immunity from process, it was for the courts to decide at the outset of proceedings the extent, if any, of such immunity, having regard to all relevant considerations.

III. Handling of credible allegations that reveal that a crime may have been committed by United Nations officials or experts on mission by States against whose nationals such allegations are made, and matters relating thereto

Australia

28. Australia reported that it had not received any notifications from the Secretary-General of credible allegations revealing that a crime might have been committed by United Nations officials or experts on mission of Australian nationality. Australia stressed that it was essential for the Secretary-General to ensure that referrals to States of nationality were followed up by the United Nations on a regular basis, and at a senior level.

El Salvador

29. El Salvador reported that its armed forces had no record of any Salvadoran personnel who had committed serious crimes during participation in a peacekeeping mission. El Salvador confirmed the legal duty to carry out an investigation and exercise its jurisdiction for credible allegations that would be brought to its attention.

Finland

30. Finland reported that no crimes of a serious nature committed by Finnish nationals while serving as United Nations officials or experts on mission had been brought to the attention of the Finnish authorities, nor were the Finnish authorities aware of any allegations, investigations or proceedings against Finnish nationals suspected of having committed such crimes while serving as United Nations officials and experts on mission. Should such allegations have been made, all appropriate measures would have been taken to investigate and prosecute those crimes in accordance with Finnish law.

Kuwait

31. Kuwait reported that, while jurisdiction would be exercised when the applicable crimes were committed, no court rulings had yet been issued in that regard.

Spain

32. With regard to the possible adoption of measures for the handling of credible allegations concerning nationals serving as United Nations officials or experts, Spain reported that no such reports had been recorded to date.

IV. Cooperation between States and with the United Nations in the exchange of information and the facilitation of investigations and prosecutions, and protection of victims and witnesses in this process

Australia

33. Further to the information previously provided (see A/63/260, para. 38 and A/65/185, paras. 39-43), Australia reported that it was a party to 29 bilateral mutual assistance treaties and a number of multilateral treaties that include mutual assistance obligations.

Belarus

34. Belarus indicated that, under article 2, paragraph 2, of its Act on International Legal Assistance in Criminal Matters of 18 May 2004, international legal assistance in criminal matters was provided on the basis of international treaties to which Belarus was a party. In the absence of an appropriate international treaty to which Belarus was a party, international legal assistance was provided on the basis of the principle of reciprocity, in accordance with section XV of the Code of Criminal Procedure.

35. Under article 469 of the Code of Criminal Procedure, international legal assistance in criminal matters based on the principle of reciprocity was provided at the request of an authority of a foreign State indicating the essence of the assistance required and information about the criminal case, the facts and the legal characterization of the act, the text of the provisions of the criminal law of the foreign State that established liability for the act, information about the extent of the harm caused and other information necessary for the fulfilment of the request. Any request from an authority of a foreign State must be provided in writing and must bear the signature of an official of that authority and the authority's official seal.

36. Belarus further noted that, under article 477 of the Code of Criminal Procedure, a request from an authority of a foreign State to prosecute a person might be fulfilled if the following were provided: the case file or a certified copy thereof and a certified translation thereof into one of the State languages of Belarus; items that served as weapons or as a means of commission of the crime or that bore traces of the crime or that were acquired by criminal means, or other items and documents that might serve as means of detecting the crime; establishing the facts of the case; identification of the perpetrators or the rebuttal of the charge; the statements of the victims or their representatives on the conduct of the prosecution, where available; and information on compensation for the harm caused by the offence, where available.

Bulgaria

37. Bulgaria reiterated the information previously provided (see A/66/174, paras. 28-33).

Cyprus

38. Cyprus noted that mutual legal assistance was provided between European Union member States under the Convention on Mutual Assistance in Criminal

Matters between the Member States of the European Union of 2000, and its Protocol. Other multilateral conventions might be invoked for executing mutual legal assistance requests, or on the basis of bilateral agreements. For facilitating legal assistance under all relevant instruments, a domestic law was enacted in 2001, namely, the International Cooperation in Criminal Matters Law No. 23 of 2001. Under its provisions, assistance might be provided at the request of a foreign authority that was competent to make mutual legal assistance requests, for example, a Court exercising criminal jurisdiction, a prosecuting authority or any other authority that was competent to make such requests for assistance, provided that: (a) an offence under the law of the country in question had been committed or there were reasonable grounds for suspecting that such an offence had been committed; and (b) proceedings in respect of the offence had been instituted in that country or an investigation into the offence was being carried out there. Mutual legal assistance requests could cover a range of actions.

39. Cyprus set out a number of other laws connected with the legal context of rendering legal assistance, including the Protection of Witnesses Law of 2001; the Prevention and Suppression of Money Laundering Activities Law of 2007; the Joint Investigation Teams Law of 2004 (as between European Union member States); the Suppression of Crime (Controlled Delivery and Other Specific Provisions) Law of 1995; the Law on Data Retention of 2007; and the Law on the Protection of the Secrecy of Private Communication of 1996, as amended.

40. With respect to extradition, Cyprus reported that the Extradition of Fugitive Offenders Law No. 97/1970, as amended, was the domestic legal framework for extradition. Requests to and from other countries were proceeded with on the legal basis provided by the European Convention on Extradition of 1957, which Cyprus ratified by Ratification Law No. 95/1970, and its three Additional Protocols, to which Cyprus is also a State party (Ratification Laws 23/1979, 17/1984 and 28 (111)/2012.

41. Cyprus noted that extradition might also be effected under the provisions of relevant bilateral agreements with a number of countries, such as Belarus, Georgia, Egypt, Libya and the United States of America. Finally, Cyprus noted that extradition and surrender of fugitives within the European Union is effected in the context of the European Union Council Framework Decision 2002/584/JHA on the European arrest warrant and the surrender procedures between European Union member States, which Cyprus transformed into domestic law by Law No. 133(1)/2004. Further to a constitutional amendment, nationals might also be surrendered.

Kuwait

42. Kuwait reiterated the information previously provided (see A/64/183, para. 51).

Switzerland

43. Switzerland indicated that it had a federal law on assistance in criminal matters[2] and had ratified several international agreements addressing issues in that field.

[2] See Federal Act on International Mutual Assistance in Criminal Matters 351.1, available from https://www.admin.ch/opc/en/classified-compilation/19810037/index.html.

44. Moreover, its Code of Criminal Procedure had established the means to effectively protect victims and witnesses (see, for example, art. 117 and art. 149 of the Code of Criminal Procedure).[3]

V. Report of the Group of Legal Experts, including on the question of future action

Australia

45. Australia noted that it continued to support in principle the proposal for a convention that required Member States to exercise criminal jurisdiction over their nationals participating in United Nations operations abroad. Australia expressed hope that, in the light of ongoing reports of serious crimes being perpetrated by United Nations officials and experts on mission, the working group of the Sixth Committee would be able to reinvigorate discussions about a convention and have a substantive discussion about the key issues raised in the report of the Group of Legal Experts.

Switzerland

46. Switzerland stated that it remained convinced that in the long term the development of an international convention would be the most appropriate way to address and effectively and permanently solve the problems in that area. The States parties to a new convention could commit to extending their jurisdiction to the serious crimes committed by their nationals on mission and to preventing the commission of such crimes, including by all categories of staff in peacekeeping missions, including experts on mission who are military personnel.

VI. Bringing credible allegations that reveal that a crime may have been committed by United Nations officials or experts on mission to the attention of the States against whose nationals such allegations are made, and matters relating thereto

47. In paragraphs 15 to 20 and 22 to 25 of its resolution 70/114, the General Assembly urged Member States to provide information to the Secretary-General, requested the Secretary-General to provide certain information to the Assembly and requested the United Nations to take certain measures concerning the issue of criminal accountability of officials and experts on mission.

Criminal conduct of personnel deployed in field missions

48. The Secretary-General continued to expect that any criminal conduct by United Nations staff members, or other categories of personnel deployed in field missions, would be prosecuted in a manner consistent with the gravity of the offence. That was particularly the case in instances of sexual abuse that amounted to

[3] See Code of Criminal Procedure 312.0, available from https://www.admin.ch/opc/en/classified-compilation/20052319/index.html.

crimes under the laws of host or sending States. Such instances would include non-consensual sexual activities and sexual activities with minors. During the reporting period, the Department of Field Support referred to the Office of Legal Affairs instances of possible criminal offences involving eight staff members, including one instance of sexual abuse of a minor. Furthermore, the Department of Field Support also cooperated with the Office of Legal Affairs in reviewing investigation reports to be referred to Member States for criminal accountability purposes, in connection with eight more instances involving possible criminal offences (see paras. 51 and 52).

49. The latest report of the Secretary-General on special measures for protection from sexual exploitation and sexual abuse (A/70/729) again raised the issue of the need for United Nations personnel to be held accountable for criminal offences. The Secretary-General again urged Member States to conclude the long-standing discussions on the adoption of an international convention on the issue. The Secretary-General also indicated that information would be sought from Member States regarding amendments to their administrative rules, regulations or codes governing police and military contingents to clearly recognize all forms of sexual exploitation and abuse as misconduct, where that was not already the case, and to indicate that such acts would attract the harshest available sanctions. The Department of Field Support, in cooperation with the Office of Legal Affairs, was in the process of finalizing guidance for field missions on procedures to be followed in instances of misconduct, including sexual exploitation and abuse, that could amount to criminal conduct to be referred to the judicial authorities of host States, in accordance with the existing legal framework.

50. As observed in the previous report of the Secretary-General on criminal accountability of United Nations officials and experts on mission (A/70/208), peacekeeping missions continued to report, on a quarterly basis, on cooperation with host States regarding the investigation and prosecution of criminal offences committed by United Nations personnel, where applicable.

Referrals in relation to officials or experts on mission during the period from 1 July 2015 to 30 June 2016

51. The request in paragraph 15 of resolution 70/114 is similar to those made by the General Assembly in paragraph 9 of its resolutions 69/114 (see A/70/208, covering the 2014/15 period), 68/105 (see A/69/210, covering the 2013/14 period), 67/88 (see A/68/173, covering the 2012/13 period), 66/93 (see A/67/213, covering the 2011/12 period), 65/20 (see A/66/174, covering the 2010/11 period), 64/110 (see A/65/185, covering the 2009/10 period), 63/119 (see A/64/183, covering the 2008/09 period) and 62/63 (see A/63/260, covering the 2007/08 period).

52. During the period from 1 July 2015 to 30 June 2016, the Office of Legal Affairs referred to States of nationality, through the permanent missions concerned, 19 cases involving 20 United Nations officials and experts on mission for investigation and possible prosecution. Of those cases, eight concerned allegations of corruption and fraud; four concerned allegations of entitlement fraud; two concerned allegations of physical assault; two concerned allegations of sexual exploitation and/or abuse; one concerned allegations of sexual abuse and physical assault; one concerned allegations of corruption, fraud and sexual exploitation and abuse; and one concerned allegations of theft. Additional details regarding those

cases, as required by paragraph 15 of resolution 70/114, are contained in annex II to the present report.

Updates from States on the status of their efforts to investigate and, as appropriate, prosecute cases, as well as assistance requested from the Secretariat

53. The Office of Legal Affairs requested the States to which cases were referred during the reporting period to keep the United Nations informed of any action taken by national authorities in relation to such cases and followed up on cases where it did not receive a response from the Member State concerned. As of the date of preparation of the present report, the Office had been contacted by States to which referrals were made during the reporting period with respect to the cases of three officials or experts on mission, noting that such cases had been raised with the relevant authorities. In those cases, the States concerned also requested specific assistance from the United Nations, which was provided. The Secretariat remains ready to assist on all referrals made.

54. Annex II contains information received from States in response to referrals and follow-up requests for updates made during previous reporting periods. In addition, details of earlier requests by the Secretariat for information from States of nationality on how they were handling cases previously referred to them are contained within the previous reports of the Secretary-General on the subject (see A/64/183 para. 63; A/65/185, paras. 85 and 86; A/66/174, paras. 62 and 63; A/67/213, paras. 36 and 37; A/68/173, paras. 19 and 20; A/69/210, paras. 15 and 16; and A/70/208, paras. 29 and 30).

Additional information on the nature of the allegations and information received from States on all referrals since 1 July 2007

55. In its resolution 70/114, the General Assembly requested that additional information on instances where credible allegations have been referred be included in the present report. In particular, in paragraph 25, the Assembly requested the Secretary-General to provide:

> Information on instances where credible allegations have been referred pursuant to paragraph 15 above, as well as information received pursuant to paragraph 16 on all referrals since 1 July 2007, which information would be limited to the United Nations entity involved, the year of referral, information about the type of crime and summary of allegations, status of investigations, prosecutorial and disciplinary actions taken, including with respect to individuals concerned who have left the duty mission or the service of the United Nations, any requests for waivers of immunity, as applicable, and information on jurisdictional, evidentiary or other obstacles to prosecution, while protecting the privacy of the victims as well as respecting the rights of those subject to the allegations.

56. In accordance with the request set out in paragraph 25 of resolution 70/114, the table included in annex II of the present document provides the information requested as to each case where credible allegations have been referred to national authorities pursuant to resolution 62/63 and subsequent resolutions on the criminal accountability of United Nations officials and experts on mission.

Possible use by States exercising jurisdiction of information from United Nations investigations

57. In paragraph 17 of its resolution 70/114, the General Assembly requested the United Nations, when its investigations into allegations suggest that crimes of a serious nature may have been committed by United Nations officials or experts on mission, to consider any appropriate measures that may facilitate the possible use of information and material for purposes of criminal proceedings initiated by States, bearing in mind due process considerations. In the same vein, in paragraph 19 of that resolution, the Assembly urged the United Nations to continue cooperating with States exercising jurisdiction in order to provide them, within the framework of the relevant rules of international law and agreements governing activities of the United Nations, with information and material for purposes of criminal proceedings initiated by States.

58. In that regard, it is important to recall that the legal framework within which the referrals are made by the United Nations and the role of the Secretary-General have been outlined in a previous report of the Secretary-General on criminal accountability of United Nations officials and experts on mission (see A/63/260, sect. IV).

59. The United Nations cooperates with law enforcement and judicial authorities of relevant Member States in accordance with its rights and obligations under the Charter of the United Nations and the Convention on the Privileges and Immunities of the United Nations, adopted by the General Assembly on 13 February 1946, as well as other relevant international agreements and applicable legal principles. Accordingly, the Organization will disclose documents and/or information and waive immunity on a case-by-case basis where, in the opinion of the Secretary-General, immunity would impede the course of justice and can be waived without prejudice to the interests of the United Nations. Consequently, information obtained by the United Nations may be provided to the relevant authorities and documents may be shared, subject to considerations of confidentiality and privileges and immunities. Documents may be redacted where necessary. It should be noted that, since the United Nations does not have any criminal investigative or prosecutorial jurisdiction, the use of any documents of information provided by the United Nations, including their admissibility in any legal proceedings, is a matter for determination by the relevant judicial authorities to whom such documents or information have been provided.

Protection of United Nations officials and experts on mission from retaliation

60. For information responding to paragraphs 18 and 20 of resolution 70/114, the situation remains the same as reported in the previous report of the Secretary-General (see A/70/208, paras. 34 and 35).

VII. Practical measures to strengthen existing predeployment training and vetting measures

61. With support from conduct and discipline personnel based in field missions, all United Nations personnel deployed in peacekeeping and special political missions continue to receive training and be sensitized concerning their obligation

to respect the United Nations standards of conduct, including the obligation for all United Nations personnel to observe the laws of the host State, as well as possible consequences in terms of accountability should they fail to observe such laws. In addition, a dedicated e-learning programme on sexual exploitation and abuse has been developed and is currently being piloted. The programme will be launched more widely, for use by all United Nations personnel to be deployed in peacekeeping and special political missions, by the third quarter of 2016.

62. During the reporting period, the Department of Field Support completed required technical changes and started the vetting of all military and police contingent personnel to be deployed in peacekeeping and special political missions, thereby ensuring that all categories of personnel now deployed with those field missions are vetted for possible misconduct during previous service with United Nations peacekeeping and special political missions. Discussions also continue in the context of the High-level Committee on Management regarding means of implementing mechanisms to ensure system-wide sharing of information in vetting processes, with an emphasis on identifying practical measures, taking into account financial implications.

Annex I

Questionnaire on criminal accountability of United Nations officials and experts on mission, pursuant to resolution 70/114, paragraph 23

By operative paragraph 23 of General Assembly resolution 70/114 of 14 December 2015, entitled "Criminal accountability of United Nations officials and experts on mission", the Secretary-General was requested to prepare a compilation, based on information which should be received from all Member States, of national provisions regarding the establishment of jurisdiction over their nationals, whenever they serve as United Nations officials or experts on mission, in relation to crimes as known in their existing national criminal laws, particularly those of a serious nature.

In order to facilitate the collation of information for this compilation, the Codification Division of the Office of Legal Affairs of the United Nations has prepared a questionnaire for consideration by Member States in submitting information in response to circular notes LA/COD/50/1 and LA/COD/50/2 dated 31 December 2015, on the same item.

In order to ensure completeness in the preparation of the compilation, the Codification Division of the Office of Legal Affairs of the United Nations would appreciate receiving excerpts of relevant national provisions and short references or citations of such national provisions.

1. Please indicate the available forms of jurisdiction and list the relevant national provision(s) through which criminal law is applicable to nationals while serving as United Nations officials or experts on mission; please also specify whether specific legislation applies to United Nations officials and experts on mission:

(a) Territoriality

(b) Nationality

(c) Passive personality

(d) Effects doctrine

(e) Protective principle

(f) Universality

(g) Other (if any)

2. To what extent do national provisions establish jurisdiction ratione personae over crimes committed extraterritorially by nationals while serving as United Nations officials and experts on mission (please indicate all that apply and cite relevant national provisions):

(a) General application to all persons

(b) Jurisdiction over nationals

(c) Jurisdiction over stateless persons

(d) Jurisdiction over foreign nationals (list specific exceptions)

(e) Specific legislation for particular categories of persons

(f) Military United Nations officials and experts on mission

(g) Police United Nations officials and experts on mission

(h) Civilian United Nations officials and experts on mission

(i) Public officials acting in foreign jurisdictions

(j) Other (if any)

3. To which extent do national provisions establish jurisdiction ratione materiae over crimes committed extraterritorially by nationals while serving as United Nations officials or experts on mission (please indicate all that apply and cite relevant national provisions):

(a) General application of criminal law

(b) Application limited to international treaty obligations

(c) Application limited to crimes of a "serious nature"

(d) Application limited to "international crimes", including genocide, crimes against humanity and war crimes

(e) Application limited to crimes accompanied with minimum imprisonment term (e.g. 3/5 years)

(f) Application limited to crimes affecting "essential interest(s) of the State"

(g) Application limited to crimes affecting public security

(h) Application limited to specific list of crimes

(i) Other limitations to the application ratione materiae of domestic law (if any)

4. Which, if any, prerequisites are placed before the application of extraterritorial jurisdiction for United Nations officials or experts on mission (please indicate all that apply and cite relevant national provisions):

(I)

(a) Agreement (SOFA/SOMA) with host State on extraterritorial jurisdiction

(b) Agreement (SOFA/SOMA) with host State with respect to United Nations officials or experts on mission

(c) Any other agreement

(d) National law

(II)

(a) Offence must be extraditable

(b) Double criminality, with/without specific limitations to its application

(c) Presence of the offender in territory of forum State, with/without specific limitations to its application

(d) Application of principles of ne bis in idem

(e) Permission to prosecute required by Public Prosecutor/Attorney-General/ other specific government official(s)

5. What is the legal basis for the application of rules of immunity to United Nations officials or experts on mission (please indicate all that apply and cite relevant national provisions):

(a) Convention on Privileges and Immunities of the United Nations, 1946, as applicable

(b) Specific agreement with the United Nations (SOFA/SOMA/other)

(c) Specific agreement with the host State (SOFA/SOMA/other)

(d) Other general privileges and immunities applicable, including those accorded by national law

6. To what extent is military and/or civilian law applicable to crimes committed by United Nations officials or experts on mission (please indicate all applicable categories and cite relevant national provisions):

(a) Exclusive application of military law to military personnel deployed as United Nations officials or experts on mission

(b) Exclusive use of military courts for military personnel deployed as United Nations officials or experts on mission

(c) Potential application of civilian law/courts to military personnel

7. Please provide any other comments.

Annex II

Additional information on the nature of the allegations and information received from States on all referrals since 1 July 2007

	Referral year	*Reporting period*[a]	*United Nations entity*	*Type of crime(s)*	*Summary of allegations*	*Information received on status of investigation, prosecutorial/ disciplinary action*	*Request for waiver of immunity of the individual(s) concerned?*	*Information received on jurisdictional or evidentiary obstacles to prosecution*
1	2008	2007/08	UNMIL	Sexual exploitation and abuse	Alleged rape of a minor	No information received from Member State	No	No information received from Member State
2	2008	2007/08	UNOPS	Corruption/ fraud	Alleged procurement fraud through the execution of a bid-rigging scheme	No information received from Member State	No	No information received from Member State
3	2008	2007/08	UNMIS	Sexual abuse	Alleged rape and physical assault of an adult	No information received from Member State	No	No information received from Member State
4	2009	2008/09	UNMIT	Vehicular crime	Alleged driving while intoxicated resulting in one injury and one death	Investigation was initiated by Member State; no further information was received	Yes	No information received from Member State
5	2009	2008/09	UNOCI	Counter-feiting	Alleged knowing possession of counterfeit currency and making of verbal threats	No information received from Member State	No	No information received from Member State
6	2009	2008/09	UNHCR	Corruption/ fraud	Alleged embezzlement by using a fraudulent check to withdraw funds from a United Nations bank account	No information received from Member State	No	No information received from Member State

	Referral year	Reporting period[a]	United Nations entity	Type of crime(s)	Summary of allegations	Information received on status of investigation, prosecutorial disciplinary action	Request for waiver of immunity of the individual(s) concerned?	Information received on jurisdictional or evidentiary obstacles to prosecution
7	2009	2008/09	UNFPA	Corruption/ fraud	Alleged embezzlement of United Nations funds through the fraudulent disbursement of salary payments to a private account	No information received from Member State	No	No information received from Member State
8	2009	2008/09	UNOPS	Corruption/ fraud	Alleged embezzlement and fraudulent use of funds designated for donor-funded projects	Investigation initiated by Member State	No	No information received from Member State
9	2009	2009/10	MONUC	Smuggling	Alleged illicit purchase and smuggling of uncut diamonds	No information received from Member State	No	No information received from Member State
10	2010	2009/10	Secretariat	Theft/ firearms violation	Alleged theft of a United Nations firearm and violation of a firearms possession law	No information received from Member State	No	No information received from Member State
11	2010	2009/10	Secretariat	Entitlement fraud	Alleged submission of false claims for United Nations rental subsidy allowances	No information received from Member State	No	No information received from Member State
12	2010	2009/10	UNIFEM	Corruption/ fraud	Alleged embezzlement through the fraudulent diversion of United Nations project assets to private accounts	Investigation and prosecution of non-United Nations personnel connected to case initiated by Member State	No	No information received from Member State

	Referral year	Reporting period[a]	United Nations entity	Type of crime(s)	Summary of allegations	Information received on status of investigation, prosecutorial/disciplinary action	Request for waiver of immunity of the individual(s) concerned?	Information received on jurisdictional or evidentiary obstacles to prosecution
13	2010	2009/10	Secretariat	Entitlement fraud/visa fraud	Alleged submission of fraudulent applications for visas and dependency entitlements	No information received from Member State[b]	No	No information received from Member State
14	2010	2010/11	MONUC	Sexual exploitation and abuse	Alleged sexual exploitation and abuse of a minor	No information received from Member State	No	No information received from Member State
15	2010	2010/11	UNDP	Entitlement fraud	Alleged submission of false claims for medical reimbursement to a United Nations health insurance provider	Investigation initiated by Member State; no further information received	No	No information received from Member State
16	2010	2010/11	UNOCI	Physical assault/ firearms violation	Alleged physical assault and unlawful brandishing of a firearm	No information received from Member State	No	No information received from Member State
17	2010	2010/11	UNMIT	Theft/fraud	Alleged fraudulent transfer of private funds to a private account	No information received from Member State	No	No information received from Member State
18	2010	2010/11	MINUSTAH	Sexual exploitation and abuse/ physical assault	Alleged sexual exploitation and abuse of a minor; alleged physical assault of a minor	Disciplined by Member State's police; criminal case was dismissed by national authorities	No	No information received from Member State
19	2010	2010/11	UNFPA	Theft	Alleged theft of United Nations fuel	No information received from Member State	No	No information received from Member State

	Referral year	Reporting period[a]	United Nations entity	Type of crime(s)	Summary of allegations	Information received on status of investigation, prosecutorial/disciplinary action	Request for waiver of immunity of the individual(s) concerned?	Information received on jurisdictional or evidentiary obstacles to prosecution
20	2011	2010/11	UNDP	Entitlement fraud	Alleged submission of false claims for medical reimbursement to a United Nations health insurance provider	No information received from Member State	No	No information received from Member State
21	2011	2010/11	UNMIL	Corruption/ fraud	Alleged solicitation and acceptance of bribery payments	No information received from Member State	No	No information received from Member State
22	2011	2011/12	UNAMI	Entitlement fraud	Alleged submission of fraudulent claims for reimbursement of education expenses	No information received from Member State	No	No information received from Member State
23	2011	2011/12	UNOCI	Corruption/ fraud	Alleged submission of fraudulent fuel invoices	No information received from Member State	No	No information received from Member State
24	2012	2011/12	UNICEF	Corruption/ fraud	Alleged embezzlement of United Nations funds through the forgery of fraudulent payment vouchers	No information received from Member State	No	No information received from Member State
25	2012	2011/12	UNDP	Corruption/ fraud	Alleged acceptance of bribery payments and manipulation of a procurement process	No information received from Member State	No	No information received from Member State
26	2012	2011/12	UNICEF	Corruption/ fraud	Alleged embezzlement of United Nations funds through the fraudulent disbursement of salary payments	Investigation initiated by Member State; no further information received	No	No information received from Member State

	Referral year	Reporting period[a]	United Nations entity	Type of crime(s)	Summary of allegations	Information received on status of investigation, prosecutorial disciplinary action	Request for waiver of immunity of the individual(s) concerned?	Information received on jurisdictional or evidentiary obstacles to prosecution
27	2012	2011/12	WFP	Corruption/ fraud	Alleged embezzlement of United Nations funds through the fraudulent disbursement of salary payments	No information received from Member State	No	No information received from Member State
28	2012	2011/12	MINUSTAH	Entitlement fraud	Alleged submission of false claims for medical reimbursement to a United Nations dental insurance provider	No information received from Member State[b]	No	No information received from Member State
29	2012	2011/12	MINUSTAH	Entitlement fraud	Alleged submission of false claims for medical reimbursement to a United Nations dental insurance provider	No information received from Member State[b]	No	No information received from Member State
30	2012	2011/12	MINUSTAH	Entitlement fraud	Alleged submission of false claims for medical reimbursement to a United Nations dental insurance provider	No information received from Member State[b]	No	No information received from Member State
31	2012	2011/12	MINUSTAH	Entitlement fraud	Alleged submission of false claims for medical reimbursement to a United Nations dental insurance provider	No information received from Member State[b]	No	No information received from Member State
32	2012	2012/13	MINUSTAH	Distribution of child pornography	Alleged distribution of pornographic images of a minor using a United Nations computer and e-mail account	Investigation initiated by Member State; no further information received	No	No information received from Member State

	Referral year	Reporting period[a]	United Nations entity	Type of crime(s)	Summary of allegations	Information received on status of investigation, prosecutorial/disciplinary action	Request or waiver of immunity of the individual(s) concerned?	Information received on jurisdictional or evidentiary obstacles to prosecution
33	2012	2012/13	UNEP	Corruption/ fraud	Alleged embezzlement of United Nations funds through the fraudulent diversion of vendor payments	No information received from Member State	No	No information received from Member State
34	2012	2012/13	UNDP	Corruption/ fraud	Alleged embezzlement of United Nations funds through the fraudulent disbursement of payments to private accounts	No information received from Member State	No	No information received from Member State
35	2012	2012/13	UNDP	Corruption/ fraud	Alleged embezzlement of United Nations funds through the fraudulent disbursement of payments to private accounts	No information received from Member State	No	No information received from Member State
36	2012	2012/13	UNDP	Corruption/ fraud	Alleged embezzlement of United Nations funds through the fraudulent disbursement of payments to private accounts	No information received from Member State	No	No information received from Member State
37	2012	2012/13	MINUSTAH	Corruption/ fraud	Alleged solicitation and acceptance of bribery payments from individuals seeking United Nations employment	Investigation initiated by Member State; no further information received	No	No information received from Member State

	Referral year	Reporting period[a]	United Nations entity	Type of crime(s)	Summary of allegations	Information received on status of investigation, prosecutorial/disciplinary action	Request for waiver of immunity of the individual(s) concerned?	Information received on jurisdictional or evidentiary obstacles to prosecution
38	2013	2012/13	UNMIK	Entitlement fraud	Alleged submission of fraudulent claims to the United Nations for reimbursement of education expenses	Member State considered matter and confirmed it would not pursue it	No	No information received from Member State
39	2013	2012/13	UNDP	Physical assault	Alleged physical assault of an adult	No information received from Member State	No	No information received from Member State
40	2013	2012/13	UNRWA	Corruption/ fraud	Alleged procurement fraud and receipt of bribery payments	Investigation initiated by Member State; no further information received	No	No information received from Member State
41	2013	2013/14	Secretariat	Sexual exploitation and abuse	Alleged sexual exploitation and abuse of minors	No information received from Member State	No	No information received from Member State
42	2013	2013/14	UNEP	Corruption/ fraud	Alleged fraudulent solicitation and diversion of donor funds to a private company	No information received from Member State	No	No information received from Member State
43	2013	2013/14	UNMIL	Theft	Alleged theft of United Nations tyres	No information received from Member State	No	No information received from Member State
44	2013	2013/14	UNDP	Corruption/ fraud	Alleged embezzlement through the fraudulent disbursement of UNDP assets to a private account	Member State reported that it would forward the case to its judicial authorities	No	No information received from Member State

	Referral year	Reporting period[a]	United Nations entity	Type of crime(s)	Summary of allegations	Information received on status of investigation, prosecutorial disciplinary action	Request for waiver of immunity of the individual(s) concerned?	Information received on jurisdictional or evidentiary obstacles to prosecution
45	2013	2013/14	UNSOA	Corruption/ fraud	Alleged embezzlement through the fraudulent disbursement of United Nations assets to a private account	No information received from Member State	No	No information received from Member State
46	2014	2013/14	UNEP	Corruption/ fraud	Alleged fraudulent solicitation and diversion of donor funds to a private company	No information received from Member State	No	No information received from Member State
47	2014	2013/14	Secretariat	Corruption/ fraud	Alleged embezzlement of United Nations funds by forging documents to direct expenditure payments to private accounts	No information received from Member State	No	No information received from Member State
48	2014	2013/14	UNEP	Corruption/ fraud	Alleged solicitation and receipt of undue financial and other benefits from donors	No information received from Member State	No	No information received from Member State
49	2014	2013/14	UNDP	Entitlement fraud	Alleged submission of false claims for medical reimbursement to a United Nations health insurance provider	No information received from Member State	No	No information received from Member State
50	2014	2013/14	UNOCI	Distribution of child pornography	Alleged distribution of pornographic images of a minor using a United Nations computer and e-mail account	No information received from Member State	No	No information received from Member State

	Referral year	Reporting period[a]	United Nations entity	Type of crime(s)	Summary of allegations	Information received on status of investigation, prosecutorial disciplinary action	Request for waiver of immunity of the individual(s) concerned?	Information received on jurisdictional or evidentiary obstacles to prosecution
51	2014	2013/14	UNOCI	Distribution of child pornography	Alleged distribution of pornographic images of a minor using a United Nations computer and e-mail account	No information received from Member State	No	No information received from Member State
52	2014	2013/14	UNOCI	Distribution of child pornography	Alleged distribution of pornographic images of a minor using a United Nations computer and e-mail account	No information received from Member State	No	No information received from Member State
53	2014	2013/14	UNOCI	Distribution of child pornography	Alleged distribution of pornographic images of a minor using a United Nations computer and e-mail account	No information received from Member State	No	No information received from Member State
54	2014	2014/15	UNDP	Corruption/ fraud	Alleged solicitation of bribery payments in exchange for confidential information	Investigation initiated by Member State; United Nations cooperated with investigation	No	No information received from Member State
55	2014	2014/15	UNDP	Corruption/ fraud	Alleged solicitation of bribery payments from United Nations partners	Investigation initiated by Member State; no further information received	No	No information received from Member State
56	2014	2014/15	UNDP	Corruption/ fraud	Alleged embezzlement through the fraudulent diversion of UNDP assets to a private account	Investigation initiated by Member State; United Nations cooperated with investigation	No	No information received from Member State

	Referral year	Reporting period[a]	United Nations entity	Type of crime(s)	Summary of allegations	Information received on status of investigation, prosecutorial disciplinary action	Request for waiver of immunity of the individual(s) concerned[b]	Information received on jurisdictional or evidentiary obstacles to prosecution
57	2014	2014/15	UNMISS	Corruption/ fraud	Alleged procurement fraud by posing as a United Nations procurement officer	No information received from Member State	No	No information received from Member State
58	2014	2014/15	UNHCR	Corruption/ fraud	Alleged embezzlement of United Nations funds by cashing fraudulent checks and preparing irregular financial transactions	No information received from Member State	No	No information received from Member State
59	2014	2014/15	UNHCR	Corruption/ fraud	Alleged embezzlement through the fraudulent diversion of United Nations funds to a private account	No information received from Member State	No	No information received from Member State
60	2014	2014/15	UNOPS	Entitlement fraud	Alleged submission of false claims for medical reimbursement to a United Nations health insurance provider	No information received from Member State	No	No information received from Member State
61	2014	2014/15	MINUSTAH	Entitlement fraud	Alleged submission of fraudulent claims to the United Nations for reimbursement of education expenses	No information received from Member State	No	No information received from Member State
62	2015	2014/15	MONUSCO	Sexual exploitation and abuse	Alleged rape of a minor	No information received from Member State	No	No information received from Member State

	Referral year	Reporting period[a]	United Nations entity	Type of crime(s)	Summary of allegations	Information received on status of investigation, prosecutorial/ disciplinary action	Request for waiver of immunity of the individual(s) concerned?	Information received on jurisdictional or evidentiary obstacles to prosecution
63	2015	2014/15	UNHCR	Corruption/ fraud	Alleged embezzlement of United Nations funds the fraudulent endorsement and cashing of checks payable to staff members	No information received from Member State	No	No information received from Member State
64	2015	2014/15	UNOCI	Distribution of child pornography	Alleged distribution of pornographic images of a minor using a United Nations computer and e-mail account	No information received from Member State	No	No information received from Member State
65	2015	2014/15	UNOCI	Distribution of child pornography	Alleged distribution of pornographic images of a minor using a United Nations computer and e-mail account	No information received from Member State	No	No information received from Member State
66	2015	2014/15	UNHCR	Corruption/ fraud	Alleged embezzlement of United Nations funds through the fraudulent withdrawal of vendor-designated assets	Criminal proceedings initiated by Member State; no further information received	No	No information received from Member State
67	2015	2014/15	UNMISS	Corruption/ fraud	Alleged embezzlement of United Nations funds through the fraudulent disbursement of salary payments	No information received from Member State	No	No information received from Member State
68	2015	2014/15	UNMISS	Entitlement fraud	Alleged submission of false claims for medical reimbursement to a United Nations health insurance provider	No information received from Member State	No	No information received from Member State

	Referral year	Reporting period[a]	United Nations entity	Type of crime(s)	Summary of allegations	Information received on status of investigation, prosecutorial disciplinary action	Request for waiver of immunity of the individual(s) concerned?	Information received on jurisdictional or evidentiary obstacles to prosecution
69	2015	2014/15	UNHCR	Corruption/ fraud	Alleged embezzlement by using a fraudulent check to withdraw funds from a United Nations bank account	No information received from Member State	No	No information received from Member State
70	2015	2014/15	MONUSCO	Sexual exploitation and abuse	Alleged sexual exploitation and abuse of a minor	No information received from Member State	No	No information received from Member State
71	2015	2015/16	UNFPA	Corruption/ fraud	Alleged procurement fraud by providing confidential information to a potential vendor	No information received from Member State[b]	No	No information received from Member State
72	2015	2015/16	UNSOA	Corruption/ fraud	Alleged solicitation and acceptance of bribery payments	No information received from Member State	No	No information received from Member State
73	2015	2015/16	MONUSCO	Corruption/ fraud	Alleged procurement fraud by forging and presenting fraudulent purchase orders to potential vendors	No information received from Member State	No	No information received from Member State
74	2015	2015/16	UNMIL	Sexual exploitation and abuse	Alleged sexual exploitation and abuse of a minor	No information received from Member State	No	No information received from Member State
75	2015	2015/16	Secretariat	Corruption/ fraud	Alleged embezzlement of United Nations funds by generating fraudulent payments to private accounts	No information received from Member State	No	No information received from Member State
76	2015	2015/16	UNDP	Corruption/ fraud	Alleged solicitation of illicit payments from UNDP vendors	No information received from Member State	No	No information received from Member State

	Referral year	Reporting period[a]	United Nations entity	Type of crime(s)	Summary of allegations	Information received on status of investigation, prosecutorial disciplinary action	Request for waiver of immunity of the individual(s) concerned?	Information received on jurisdictional or evidentiary obstacles to prosecution
77	2015	2015/16	UNAMID	Sexual abuse/ physical assault	Alleged sexual and physical assault of an adult	No information received from Member State	No	No information received from Member State
78	2016	2015/16	UNEP	Physical assault	Alleged physical assault of an adult	No information received from Member State	No	No information received from Member State
79	2016	2015/16	UNAMID	Physical assault	Alleged physical assault of an adult	No information received from Member State	No	No information received from Member State
80	2016	2015/16	MINUSTAH	Corruption/ fraud	Alleged solicitation and acceptance of bribery payments	No information received from Member State[b]	No	No information received from Member State
81	2016	2015/16	UNDP	Entitlement fraud	Alleged submission of false claims for medical reimbursement to a United Nations health insurance provider	No information received from Member State	No	No information received from Member State
82	2016	2015/16	UNMIL	Entitlement fraud	Alleged submission of false claims for medical reimbursement to a United Nations health insurance	No information received from Member State	No	No information received from Member State
83	2016	2015/16	Secretariat	Entitlement fraud	Alleged submission of false claims for medical reimbursement to a United Nations health insurance provider	Investigation initiated by Member State; no further information received	No	No information received from Member State
84	2016	2015/16	MINUSTAH	Theft	Alleged theft of United Nations fuel	No information received from Member State	No	No information received from Member State

	Referral year	Reporting period[a]	United Nations entity	Type of crime(s)	Summary of allegations	Information received on status of investigation, prosecutorial disciplinary action	Request for waiver of immunity of the individual(s) concerned?	Information received on jurisdictional or evidentiary obstacles to prosecution
85	2016	2015/16	Secretariat	Corruption/ fraud/sexual exploitation and abuse	Alleged solicitation and acceptance of bribery payments and soliciting sexual favours; alleged sexual assault of an adult	No information received from Member State	No	No information received from Member State
86	2016	2015/16	UNDP	Corruption/ fraud	Alleged solicitation and acceptance of bribery payments	No information received from Member State	No	No information received from Member State
87	2016	2015/16	UNMIL	Entitlement fraud	Alleged submission of false claims for medical reimbursement to a United Nations health insurance provider	No information received from Member State	No	No information received from Member State
88	2016	2015/16	Secretariat	Corruption/ fraud	Alleged solicitation and acceptance of bribery payments from an individual seeking United Nations employment	No information received from Member State	No	No information received from Member State
89	2016	2015/16	Secretariat	Sexual abuse	Alleged sexual abuse of an adult	No information received from Member State	No	No information received from Member State

Abbreviations: MINUSTAH, United Nations Stabilization Mission in Haiti; MONUC, United Nations Organization Mission in the Democratic Republic of the Congo; MONUSCO, United Nations Organization Stabilization Mission in the Democratic Republic of the Congo; UNAMI, United Nations Assistance Mission for Iraq; UNAMID, African Union-United Nations Hybrid Operation in Darfur; UNDP, United Nations Development Programme; UNEP, United Nations Environment Programme; UNFPA, United Nations Population Fund; UNHCR, Office of the United Nations High Commissioner for Refugees; UNICEF, United Nations Children's Fund; UNIFEM, United Nations Development Fund for Women; UNMIK, United Nations Interim Administration Mission in Kosovo; UNMIL, United Nations Mission in Liberia; UNMIS, United Nations Mission in the Sudan; UNMISS, United Nations Mission in South Sudan; UNMIT, United Nations Integrated Mission in Timor-Leste; UNOCI, United Nations Operation in Côte d'Ivoire; UNOPS, United Nations Office for Project Services; UNRWA, United Nations Relief and Works Agency for Palestine Refugees in the Near East; UNSOA, United Nations Support Office for the African Union Mission in Somalia; WFP, World Food Programme.

[a] Reporting periods run from 1 July through 30 June.

[b] Response received from Member State acknowledging receipt of referral and/or seeking further information.

[c] In consultation with WFP.

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Globalization and interdependence

Updated overview of the major international economic and policy challenges for equitable and inclusive sustained economic growth and sustainable development, and of the role of the United Nations in addressing these issues in the light of the New International Economic Order

Report of the Secretary-General

Summary

Pursuant to General Assembly resolutions 3201 (S-VI) and 3202 (S-VI), the present report provides an updated overview of the major international economic and policy challenges for equitable and inclusive sustained economic growth and sustainable development and of the role of the United Nations in addressing these issues in the light of the New International Economic Order. On the basis of the reviews of the Millennium Development Goals, the present report assesses the progress made and challenges faced in achieving inclusive and equitable economic growth and sustainable development. It finds that there were significant achievements but that much remains to be done through the implementation of the 2030 Agenda for Sustainable Development in the coming years. The report reviews the challenges to sustained economic growth faced during 2014-2016, showing that a protracted period of slow productivity growth and weak investment has been exacerbated by rising volatility in exchange rates and capital flows and a period of low commodity prices and declining trade flows. This has posed major challenges to sustained economic growth in many developing countries. The report notes that there was a lack of strong coordinated international response in dealing with the aforementioned challenges, illustrating that the calls made in the outcome documents relating to the New International Economic Order are still highly relevant.

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I. Introduction

1. More than 40 years ago, on 1 May 1974, the General Assembly, in its resolutions 3201 (S-VI) and 3202 (S-VI), adopted the Declaration on the Establishment of a New International Economic Order and the Programme of Action on the Establishment of a New International Economic Order, respectively. In those outcome documents, the United Nations pledged to correct the inequities in the international system; redress the injustices; eliminate the gap between developed and developing countries; ensure steadily accelerating economic and social development; and secure peace and justice for the present and future generations. Since then, the world community has made important progress in achieving these goals, although much remains to be done.

2. Several milestones have been reached since the issuance in 2014 of the previous report of the Secretary-General on the subject (A/69/203). In particular, the reference period of the Millennium Development Goals expired in 2015, giving rise to an important occasion to take stock of the progress towards achieving those Goals. In September 2015, the General Assembly, in its resolution 70/1, adopted the 2030 Agenda for Sustainable Development, which contains the Sustainable Development Goals, with greater emphasis on environmental protection and integration of the economic, social and environmental dimensions of sustainable development. In July 2015, the world community adopted the Addis Ababa Action Agenda of the Third International Conference on Financing for Development (resolution 69/313, annex), aimed at mobilizing the resources necessary for the implementation of the Sustainable Development Goals. In December 2015, at its twenty-first session, the Conference of the Parties to the United Nations Framework Convention on Climate Change adopted the Paris Agreement, aimed at confronting climate change more effectively. The present report examines the outcomes and follow-up activities of those three milestones in the light of the objectives and proposals of the New International Economic Order as contained in the Declaration and the Programme of Action. It also reviews other recent developments regarding sustained, inclusive and equitable economic growth and sustainable development from the vantage point of the New International Economic Order.

3. The report comprises two main parts: section II deals with issues of sustained economic growth of a short-term nature, while sections III and IV deal with medium- and long-term issues of inclusive and equitable economic growth and sustainable development. Nevertheless, the two sets of issues and the efforts required to address them are interrelated.

4. One of the objectives of the New International Economic Order was to ensure stability through measures to check inflation and to eliminate the instability of the international monetary system, in particular the uncertainty of the exchange rates (resolution 3202 (S-VI), sect. II (1) (a) and (b)), so that developing countries could achieve sustained economic growth. Section II focuses on recent economic developments in the context of the continued challenges to achieving sustained economic growth during 2014-2016. It shows that growth rates during that period slowed down in several key developing countries and economies in transition, while exchange rate volatility intensified and global inflationary trends diverged. The weak prospects for the global economy put at risk vital public investment in education, health and action on climate change, as well as progress in poverty reduction. Coordinated international efforts have so far proved inadequate to

confront the economic slowdown and lack of adequate employment growth. The stability objective of the New International Economic Order thus still remains a challenge at present.

5. The New International Economic Order placed significant emphasis on minimizing the environmental impact of development. The Declaration and the Programme of Action stressed the need to refrain from damaging or deteriorating natural resources and prevent pollution (Programme of Action, sect. I (2) (d)); to put an end to the waste of natural resources, including food products (Declaration, para. 4 (q)); and to replace synthetic substitutes with natural products and utilize fully the ecological advantages of natural products (Programme of Action, sect. I (1) (f)). The New International Economic Order also advocated what is now called the "nexus approach" to food production and the conservation of land and water resources, including arresting desertification and salination (Programme of Action, sect. I (2) (c)). The present report takes that as the reference point against which to examine the actual progress and the advances made since 2014.

6. Section III is a review of the progress made in recent years regarding inclusive and equitable growth and sustainable development, including the achievements of the Millennium Development Goals in the light of the objectives of the New International Economic Order. It also reviews other efforts towards achieving goals that were not included among the Millennium Development Goals but are related to those objectives. The review shows that, despite the progress made, many of the objectives of the New International Economic Order still remain to be achieved.

7. Section IV examines the Sustainable Development Goals, the Addis Ababa Action Agenda and the Paris Agreement through the prism of the Declaration and the Programme of Action. It shows that significant progress has been made in carrying forward the spirit and principles of the New International Economic Order enshrined in those outcome documents. Examples of that progress can be seen in the participatory process of formulating the Sustainable Development Goals and in the greater role accorded to the individual nations in determining priorities, strategies and policies for the implementation of the Goals. It can also be seen in the greater emphasis given in the Addis Ababa Action Agenda to North-South technology transfer and in the emphasis in the Paris Agreement on the necessity of financial assistance by developed countries to developing countries for adaptation, in addition to mitigation.

8. Section V focuses on the role of the United Nations in ensuring inclusive and equitable growth and sustainable development. The Declaration called for an even greater role for the United Nations in the establishment of the New International Economic Order (para. 6). The Declaration and the Programme of Action detailed the specific ways in which different organs and agencies of the United Nations could play a role. Continuing in that spirit, the Sustainable Development Goals, the Addis Ababa Action Agenda and the Paris Agreement all call for a greater role for the United Nations. Moreover, they have set in motion several new forums and processes through which the United Nations can be more effective in supporting follow-up and review and ensuring that the goals set in the three aforementioned outcome documents are achieved. Progress in achieving inclusive and equitable economic growth and sustainable development in the coming years will depend to a large extent on the effective use of those forums and processes.

II. Challenges to sustained economic growth

9. Since the issuance of the previous report on the subject, the global economy has failed to regain a healthy rate of economic growth and faced several important challenges. Among them are: persistent weakness of domestic demand in developed economies; low commodity prices and declining trade flows; rising volatility in capital flows and exchange rates; and a protracted period of slow productivity growth and weak investment. There is a risk that the extended period of weak global growth exhibited since the global financial crisis of 2008 may persist, posing significant challenges for economic and social development and the goal of the New International Economic Order of achieving sustained global economic growth.

A. Economic slowdown in major developing economies and inadequate expansion of employment

10. Since the global financial crisis of 2008, global economic growth has remained on a markedly lower trajectory, posing significant challenges for economic and social development. According to the *World Economic Situation and Prospects 2016* update as of mid-2016,[1] gross world product is expected to expand by just 2.4 per cent in 2016, the same rate as in 2015, after growth of 2.6 per cent in 2014. For comparison, the average annual growth rate in the decade leading up to the crisis was 3.4 per cent. The slowdown since 2014 has been more marked in developing countries and economies in transition. Gross domestic product (GDP) growth in China has moderated from 7.3 per cent in 2014 to a projected 6.4 per cent in 2016, while Brazil and the Russian Federation have both suffered deep and prolonged downturns, with output declining in both 2015 and 2016. Persistent weakness in aggregate demand in developed economies has acted as a drag on global growth, while low commodity prices, mounting fiscal and current account imbalances and policy tightening have dampened the growth prospects of many commodity-exporting economies. This has been further compounded by severe weather-related shocks, political challenges, significant exchange rate fluctuations and large capital outflows in many developing regions. The protracted period of slow productivity growth and feeble investment will continue to weigh on the global growth potential in 2017 and beyond.

11. Subdued economic growth worldwide has impeded the pace of employment generation in recent years. At the global level, the employment rate (employment-to-population ratio) remains below the level that prevailed before the global financial crisis, and the average rate of job creation has slowed to about 1.4 per cent per annum since 2011, compared with an average annual growth rate of about 1.7 per cent in pre-crisis years. Globally, the total number of unemployed is estimated to have reached 203 million, with an estimated 27 million more unemployed persons at present than on the eve of the financial crisis.

[1] United Nations, "*World Economic Situation and Prospects 2016*: update as of mid-2016" (New York, 2016).

B. Declining trade growth and falling commodity prices

12. International trade is an important determinant of global growth and development. Global trade growth slowed significantly in 2015, to 2.4 per cent, and remains tepid in 2016. The subdued performance of world trade reflects a combination of weak aggregate demand (emanating initially from the slow recovery in the euro area and more recently from the slowdown of large emerging economies) and the extended period of weak global investment. Given the continued uncertainty over the global economy, investment growth is expected to remain weak, and a significant rebound in capital goods trade is unlikely in the near term.

13. Commodity sectors in particular have experienced significant cutbacks in investment recently, reflecting a sharp drop in commodity prices. The oil price plummeted by more than 50 per cent from mid-2014 until the end of 2015, before recovering some of its losses in the first half of 2016. Non-oil commodity prices have followed a broadly deteriorating trend since 2011, with a particularly sharp drop in metals prices during 2015. Those price adjustments have led to a substantial shift in terms of trade and a sharp deterioration of GDP growth in commodity-dependent economies.

C. Capital flows and official development assistance

14. Since the onset of the global financial crisis, the developed countries relied largely on a range of conventional and unconventional monetary policy tools, leading to an unprecedented degree of monetary accommodation, to stimulate growth. In conjunction, most types of capital inflows to developing countries rebounded, partly reflecting investors' "search for yield". The United States of America announced its intention to begin moving towards a less accommodative monetary stance in 2013. This was associated with a shift in global risk appetite that also had an impact on the direction of capital flows. Net capital flows to developing countries and transition economies turned negative in 2014. In 2015, net capital outflows from emerging economies reached $570 billion, with gross inflows plummeting to $290 billion — after averaging $1.2 trillion between 2010 and 2014 — and gross outflows posting $860 billion. Overall, the largest net outflows in 2015 were from East and South Asia and the Commonwealth of Independent States. Similar trends were observed in virtually all major emerging economies, particularly those that received large inflows of capital between 2009 and 2013, such as Brazil and Turkey. Capital outflows from China surged, reflecting corporate efforts to reduce exposure to dollar-denominated debt and expectations of a depreciation of the renminbi. Foreign direct investment flows declined in Africa, Latin America and the economies in transition in 2015, while commercial banks continued to reduce their exposure to higher-risk areas, including emerging markets. Declines in commodity prices, the slowdown in China and other emerging economies, and the prospects of higher interest rates in the United States all contributed to the net capital outflows from developing economies.

15. *Official development assistance* (ODA). An important source of finance for many developing countries, particularly the least developed countries, reached $131.6 billion in 2015, according to preliminary estimates by the Organization for Economic Cooperation and Development. While this reflects an 83 per cent rise in real terms since 2000, as a group, developed countries continue to fall short of their

commitments. In aggregate, Development Assistance Committee donors provided 0.3 per cent of their gross national income (GNI) as ODA in 2015, compared with the United Nations target of 0.7 per cent of GNI. ODA to the least developed countries has also been far below the target.

D. Policy responses to challenges

16. Coordinated international policy responses to the challenges have been less than adequate. Going forward, Member States can exploit the momentum that has been generated with the landmark global agreements reached in 2015. Those global agreements should encourage Member States to take bolder policy measures at the national, regional and global levels to restart the engine of growth and create an enabling environment for the 2030 Agenda for Sustainable Development.

17. More robust fiscal policy stances coordinated among the largest economies could provide a much-needed impetus to the global economy. Equally critical is the coordination of monetary and macroprudential policies to align the objectives of financial stability and growth and to ensure that finance indeed supports the real economy and that the world economy does not lapse into yet another financial crisis. Furthermore, economic, social and environmental policies need to be coordinated to realize the comprehensive and universal 2030 Agenda for Sustainable Development. Clearly, the call of the New International Economic Order for an international mechanism for dealing with problems of instability remains relevant, and more effective use to tackle those challenges can be made of existing forums, such as the Economic and Social Council and the Group of 20.

III. Progress and challenges in achieving inclusive and equitable economic growth and sustainable development

18. Sustained economic growth should help to reduce poverty, increase health and educational opportunities, create decent jobs with liveable wages and improve the capabilities of members of society. For that to happen, economic growth has to be inclusive and equitable. Furthermore, economic growth has to ensure protection of the environment. Many of those goals were included in the Millennium Development Goals. The present section makes use of the Millennium Development Goal reviews conducted in 2015, which marked the expiry of the reference period of the Goals, in order to assess the progress made towards achieving inclusive and equitable economic growth and sustainable development. The section also reviews progress with regard to other goals related to the New International Economic Order agenda that did not have a prominent role in the Millennium Development Goals.

A. Millennium Development Goals: achievements and remaining challenges

19. According to the final *Millennium Development Goals Report*,[2] more than 1 billion people have exited extreme poverty since 1990, and the proportion of undernourished people in developing countries has fallen by almost half. The

[2] United Nations, *Millennium Development Goals Report 2015* (New York, 2015).

primary school net enrolment rate in developing nations reached an estimated 91 per cent in 2015, up from 83 per cent in 2000, allowing the number of out-of-school children of primary school age to drop by almost half. In sub-Saharan Africa, the number of children enrolled in primary school more than doubled between 1990 and 2012. The literacy rate among young people ages 15 to 24 increased globally from 83 per cent to 91 per cent between 1990 and 2015. There is more gender equality as well: about two thirds of developing countries have gender parity among their primary school students.

20. With regard to health, the global under-5 mortality rate declined by more than half between 1990 and 2015. Indeed, the rate of reduction in global under-5 mortality has more than tripled since the early 1990s. Measles vaccination helped to prevent nearly 15.6 million deaths between 2000 and 2013. By 2013, about 84 per cent of children globally had received at least one dose of measles-containing vaccine. In 2014, almost three out of four births were assisted by skilled health personnel, an improvement from three out of five in 1990. The maternal mortality ratio has been cut nearly in half since 1990, with most of that improvement occurring since 2000. As for global pandemics, new HIV infections fell by approximately 40 per cent between 2000 and 2013. By June 2014, the number of people worldwide with HIV and receiving antiretroviral therapy was 17 times greater (13.6 million) than in 2003 (0.8 million). Malaria killed 6.2 million fewer people (primarily children under 5 years of age in sub-Saharan Africa) between 2000 and 2015, owing to the expansion of antimalarial interventions. Likewise, prevention, diagnosis and treatment of tuberculosis saved an estimated 37 million lives between 2000 and 2013.

21. Contributing to the achievements in health was the progress in water and sanitation. In 2015, 91 per cent of the global population used an improved drinking water source, compared with 76 per cent in 1990. Since 1990, 2.1 billion people have gained access to improved sanitation, and the proportion of people practicing open defecation globally has fallen by almost half. The proportion of the urban population living in slums in developing countries decreased by about 10 percentage points between 2000 and 2014. The ozone layer is expected to recover by the middle of the twenty-first century, thanks to the almost complete elimination of ozone-depleting elements.

22. Going forward, however, much more needs to be done. According to the same *Millennium Development Goals Report 2015*, one in seven children worldwide is still underweight. In 2015, 16,000 children under 5 years of age died each day, mainly from preventable causes. Only half of pregnant women receive the recommended minimum of four antenatal care visits in developing countries. In 2014, less than two out of five young people aged 15 to 24 years in sub-Saharan Africa had complete and accurate knowledge of HIV/AIDS. Only one third of the population in developing countries uses the Internet, compared with 82 per cent in the developed regions.

23. In addition, big gaps exist between the poorest and richest households, between men and women, and between rural and urban areas. In the developing countries, children in the poorest households are four times more likely to be out of school than children in the richest households. Only half of working-age women participate in the labour force, compared with about three quarters of working-age men. Only one in five members of parliament is a woman. Only slightly more than

half of births in rural areas of developing countries are attended by skilled health personnel, compared with 87 per cent in urban areas. Thus, much remains to be done to make economic growth inclusive and equitable. Completing the "unfinished business" of the Millennium Development Goals was therefore regarded as an important component of the Sustainable Development Goals.

B. Progress and challenges with regard to environmental goals of sustainable development

24. The international community exerted considerable effort towards the protection of the environment during the period of the Millennium Development Goals. Some of the important dimensions of that effort are found below.

Aichi Biodiversity Targets

25. An important development in the global effort to protect the environment was the adoption in 2010 of the Aichi Biodiversity Targets for 2011-2020. Those wide-ranging Targets were subsequently included in Millennium Development Goal 7. Some of the Aichi Targets, such as conserving at least 17 per cent of terrestrial and inland water areas and 10 per cent of coastal and marine areas by 2020, are on track to be met, although many sites are poorly conserved and open oceans and deep sea areas, including the high seas, are not well covered. Progress towards the majority of the other Aichi Targets remains slow, however. The idea of declaring and actually treating certain parts of the Earth as conserved and free from human intervention is gaining popularity with time. The realization that human beings are to share the Earth with other species and not monopolize it for themselves is dawning. Some scholars have called for preserving half of the Earth as wilderness, going beyond the Aichi Targets.[3]

Climate change

26. The world community persisted with its climate change mitigation efforts under the auspices of the Conference of the Parties to the United Nations Framework Convention on Climate Change. Despite the adoption of the Kyoto Protocol, the world's energy-related carbon dioxide emissions, instead of decreasing, increased by about 50 per cent, from 20.62 gigatons in 1990 to 31.49 gigatons in 2012, the last year of the Protocol's reference period.[4] Developing countries surpassed developed countries in terms of their contribution to the global greenhouse gas emissions. Surpassing the United States, China became the largest emitter in terms of total emission. It also surpassed the European Union in terms of per capita greenhouse gas emission.

27. Although the international community's goal of arriving at another global treaty aimed at reducing greenhouse gases has proved difficult to achieve, the general efforts regarding climate change seem to be bearing some fruit. For the first time, the global greenhouse gas emission level seems to have flattened for two consecutive years without any accompanying economic crisis. The global volume of

[3] See e.g. Edward O. Wilson, *Half-Earth: Our Planet's Fight for Life* (New York, W. W. Norton and Company, 2016).

[4] International Energy Agency, "Decoupling of global emissions and economic growth confirmed", 16 March 2016.

energy-related carbon dioxide emissions was 32.07, 32.13 and 32.14 gigatons in 2013, 2014 and 2015, respectively. While to some extent the flat emissions growth is a reflection of a weak global economy, it also reflects shifts in energy sources towards renewable energy, as well as structural transformation towards lower-emitting economic activities, and may be taken as a sign of the decoupling of carbon dioxide emissions from economic growth.

28. Furthermore, it is encouraging that the volume of emissions decreased in both China and the United States, the two largest emitters. In the United States, emissions declined by 2 per cent between 2011 and 2015, owing mainly to a switch from coal to natural gas in electricity generation. In China, emissions decreased by 1.5 per cent for two years in a row (2014-2015), made possible mainly by economic restructuring towards less energy-intensive industries and less use of coal in the generation of electricity. The share of coal-generated electricity in China decreased from 80 per cent in 2011 to 70 per cent in 2015. During the same period, the share of electricity from low-carbon sources (mostly wind and hydro) increased from 19 to 28 per cent. Those developments provided an encouraging background for the Paris Agreement, discussed later in the present report.

29. At the same time, the atmospheric carbon concentration level has already exceeded 400 parts per million and continues to increase. Thus, difficult tasks lie ahead if the global temperature rise is to be limited to 2°C above pre-industrial levels, characterized by an atmospheric carbon concentration level of only about 250 parts per million.

IV. Inclusive and equitable economic growth and sustainable development in future goals and agendas

30. The review in section III shows that while significant progress has been made in achieving inclusive and equitable economic growth and sustainable development, much remains to be done in the future. Historic steps were taken in 2015 towards formulating the goals and agenda for the future. Among those were the adoption of the Sustainable Development Goals, the Addis Ababa Action Agenda and the Paris Agreement. The present section examines those outcome documents to assess the extent to which they carry forward the ideas, calls and suggestions of the New International Economic Order.

A. Sustainable Development Goals

31. As the reference period of the Millennium Development Goals was expiring, the world community started to think about the future development agenda. It was in that context that the United Nations Conference on Sustainable Development put forward the idea of formulating the Sustainable Development Goals. That idea came to fruition in September 2015, when a set of 17 Sustainable Development Goals, along with 169 targets, was adopted at the seventieth session of the General Assembly. It is heartening to note that the Sustainable Development Goals carry forward many of the New International Economic Order ideas and objectives.

32. For example, compared with the Millennium Development Goals, the Sustainable Development Goals were formulated through a more open, transparent

and participatory process. That conformed to the Declaration's call for "full and effective participation on the basis of equality of all countries in the solving of world economic problems" (para. 4 (c)).

33. Second, compared with the Millennium Development Goals, the Sustainable Development Goals emphasized "the right of every country to adopt the economic and social system that it deems the most appropriate for its own development and not to be subjected to discrimination of any kind as a result" (Declaration, para. 4 (d)). At the same time, the emphasis on national initiative poses a considerable challenge for developing countries, because setting the right priorities and devising the right strategies and policies will not be an easy task, given the wide-ranging character of the Sustainable Development Goals.

34. Third, unlike the Millennium Development Goals, the Sustainable Development Goals include economic growth and employment (Goal 8) and industrialization and infrastructure (Goal 9) as explicit Goals, along with respective targets, which is congruent with the emphasis of the New International Economic Order on economic growth, industrialization and infrastructure building in developing countries. The Programme of Action advocated, in particular, industrial, export-oriented projects and the setting up of new industrial capacities including raw materials and commodity-transforming facilities in countries that produce those raw materials and commodities (sect. III).

35. Fourth, the Sustainable Development Goals encourage the integration of the three dimensions of sustainable development in general and the nexus approach. The latter is reflected in the Goals with respect to, for example, food security (Goal 2), energy (Goal 7) and urbanization (Goal 11) and is consistent with the approach advocated by the Programme of Action, which, with regard to food, called for the protection of natural resources, the prevention of pollution and the fight against desertification and salination (sect. I (2) (c)-(d)).

36. Fifth, Sustainable Development Goal 12 calls for sustainable consumption and production, which is in agreement with the emphasis of the New International Economic Order on the need to eliminate waste of natural resources, including food. The Declaration called for the use of natural materials in place of synthetic substitutes (para. 4 (m)). The Programme of Action called for full utilization of the ecological advantages of natural products (sect. I (1) (f)).

37. Sixth, Sustainable Development Goal 16 calls for peace and justice as a precondition for achieving sustainable development, which is in agreement with the emphasis of the New International Economic Order on justice as a condition for development and prosperity (Declaration, para. 5).

38. Finally, one of the important features of the Sustainable Development Goals is universality: they apply to all countries, both developed and developing, which conforms to the Declaration's emphasis on the interdependence and interrelationship between the prosperity of the developed countries and the growth and development of the developing countries (para. 3).

B. Addis Ababa Action Agenda and the goals of inclusive and equitable economic growth and sustainable development

39. The Addis Ababa Action Agenda, adopted at the third International Conference on Financing for Development and built on the 2002 Monterrey Consensus of the International Conference on Financing for Development, also advanced the ideas and proposals put forward in the Declaration and the Programme of Action. The Addis Ababa Action Agenda is closely tied to the issue of implementation of the goals of inclusive and equitable economic growth and sustainable development and is an integral part of the 2030 Agenda for Sustainable Development. Full implementation of the Addis Ababa Action Agenda is critical to the realization of the Sustainable Development Goals. Some of the particular areas in which the Addis Ababa Action Agenda carries forward the New International Economic Order ideas and proposals are found below.

National control over natural resources

40. One of the main concerns under the New International Economic Order was the establishment of national control over the natural resources of a country, including the right to nationalize them (Declaration, para. 4 (e), and Programme of Action, sect. VIII (b)).

41. The Addis Ababa Action Agenda reaffirms those rights, declaring that "every State has and shall freely exercise full permanent sovereignty over all its wealth, natural resources and economic activity" (para. 26). It characterizes the principle of national ownership as central to the common pursuit of sustainable development (para. 20). However, the Agenda goes beyond the New International Economic Order to address what may be characterized as next-generation problems with regard to natural resources, that is, problems that are encountered after national control has been established. It underlines the importance of "corporate transparency and accountability" in the extractive industries and encourages countries to implement measures to ensure transparency, such as those under the Extractive Industries Transparency Initiative. It advocates the sharing of best practices and experiences and peer learning and capacity-building for "contract negotiations for fair and transparent concession, revenue and royalty agreements and for monitoring the implementation of contracts" (para. 26).

42. One consequence of poor management of natural resources is illicit capital flows, which is a particularly severe problem for Africa, a continent rich in natural resources. The Addis Ababa Action Agenda calls for reducing illicit financial flows by 2030 through, among other actions, increased transparency and greater international cooperation (paras. 23-24). It also emphasizes the importance of international tax cooperation in order to reduce the problem of illicit financial flows (paras. 27-29).

Favourable terms of trade for developing countries

43. Favourable terms of trade for developing countries were one of the key demands of the New International Economic Order. The Programme of Action called for improvement in the developing countries' terms of trade and for efforts to "promote exports of food products of developing countries through just and equitable arrangements, inter alia, by the progressive elimination of such protective

and other measures as constitute unfair competition" (sect. I (1) (c) and (2) (h)). The Programme of Action called for "improved access to markets in developed countries through the progressive removal of tariff and non-tariff barriers and of restrictive business practices" and "improved compensatory financing schemes for meeting the development needs of the developing countries concerned" (sect. I (3) (a) (ii) and (ix)).

44. The Addis Ababa Action Agenda carries forward many of those ideas and recommendations. It calls for a universal, rules-based, open, transparent, predictable, inclusive, non-discriminatory and equitable multilateral trading system under the World Trade Organization (WTO), as well as meaningful trade liberalization (para. 79). It calls for the implementation of the Bali package and the ratification of the Agreement on Trade Facilitation (para. 80). The Agenda recommends overcoming lack of access to trade finance (para. 81), special assistance to the least developed countries, landlocked developing countries, small island developing States and Africa with a view to doubling their trade share by 2020, as stated in the Istanbul Programme of Action (para. 82). It calls for the conclusion of the Doha Development Agenda and the Hong Kong Ministerial Declaration (para. 83). The Agenda states that the members of WTO will continue to implement the provisions of special and differential treatment for developing countries, in particular the least developed countries, in accordance with WTO agreements (para. 84). In the Agenda, developed country and developing country WTO members declaring themselves in a position to do so were called upon to realize the timely implementation of duty-free and quota-free market access on a lasting basis for all products originating from all the least developed countries, consistent with WTO decisions (para. 85). The Agenda also calls for developing simple and transparent rules of origin applicable to imports from the least developed countries, in accordance with the guidelines adopted by WTO members at the Bali ministerial conference in 2013 (ibid.). The Agenda states that aid for trade can play a major role, in particular for the least developed countries, including through the Enhanced Integrated Framework for Trade-related Technical Assistance to Least Developed Countries (para. 90).

Reforms of Bretton Woods institutions

45. An important issue that the New International Economic Order emphasized was the reform of the Bretton Woods institutions in order to give more voice to developing countries. The Declaration called for a "reformed international monetary system [aimed at] the promotion of the development of the developing countries and the adequate flow of real resources to them" (para. 4 (l)). The Programme of Action called for an increase in net transfer of real resources from the developed to the developing countries (sect. II (1) (h)). It called for "untied" aid (sect. II (2) (b)) and for more capital and investment flowing into developing countries (sect. III (a)-(c)). It also called for the issuance of special drawing rights for the creation of additional liquidity with particular regard to the needs of the developing countries (sect. II (1) (e)), as well as for the "establishment of a link between special drawing rights and additional development financing in the interest of developing countries" (sect. II (1) (f)).

46. The Programme of Action recommended International Monetary Fund (IMF) reform aimed at increasing effective participation by developing countries in decision-making (sect. II (1) (d)). It called for a review of the IMF methods of

operation, in particular the terms for both credit repayments and standby arrangements and the system of compensatory financing, among others (sect. II (1) (i)). The Programme of Action also called for reform in the World Bank, with greater participation of developing countries in decision-making through the establishment of a more equitable pattern of voting rights (sect. II (2) (c)).

47. Anticipating a more important problem of the future, the Programme of Action called for "maintenance of the real value of the currency reserves of the developing countries by preventing their erosion from inflation and exchange rate depreciation of reserve currencies" (sect. II (1) (c)).

48. The Addis Ababa Action Agenda carries forward many of the above-mentioned ideas and suggestions of the New International Economic Order. In the Agenda, the world community urges IMF to continue its efforts to provide more comprehensive and flexible financial responses to the needs of developing countries, expresses commitment to maintaining a strong and quota-based IMF, with adequate resources to fulfil its systemic responsibilities, and recognizes the importance of strengthening the permanent international financial safety net (para. 107). It recommits to broadening and strengthening the voice and participation of developing countries in international economic decision-making and norm-setting and global economic governance (para. 106). It expresses concern about excessive volatility of commodity prices (para. 108).

Transfer of technology

49. The issue of technology transfer figured prominently in the New International Economic Order. The Programme of Action called for "access on improved terms to modern technology" and for a "code of conduct" for technology transfer (sect. IV (a)-(b)).

50. The Addis Ababa Action Agenda also places considerable emphasis on the necessity of technology transfer. In the Agenda, the world community notes the "digital divide" and the necessity of creation, development and diffusion of new innovations and technologies and associated know-how, including transfer of technology on mutually agreed terms (para. 114). It notes the importance of capacity development, particularly in the least developed countries, small island developing States, landlocked developing countries, African countries and countries in post-conflict situations (para. 115). To facilitate technology transfer, it was decided that a Technology Facilitation Mechanism would be established as a multi-stakeholder collaboration between Member States, civil society, the private sector, the scientific community, United Nations entities and other stakeholders (para. 123).

Development assistance

51. Aside from emphasizing the interrelationship between the prosperity of the developed countries and the growth and development of the developing countries, the New International Economic Order emphasized the importance of developed countries' financial assistance to developing countries. The Declaration called for "the extending of assistance to developing countries" (para. 4 (i)). In particular, it emphasized the need for favourable conditions for the transfer of financial resources to developing countries (para. 4 (o)).

52. In the Addis Ababa Action Agenda, the world community also calls for greater financial assistance from developed to developing countries. While recognizing the importance of mobilization of domestic public resources and domestic and international private resources for the implementation of the Sustainable Development Goals, it urges developed countries "to step up efforts to increase their ODA and to make additional concrete efforts towards the ODA targets" (para. 51). It calls for strengthened regulations, not only to incentivize investment to developing countries but also to foster long-term quality investment, including in areas critical to sustainable development (paras. 35-36).

Debt and debt sustainability

53. Debt reduction and debt sustainability are another issue that the New International Economic Order emphasized. The Programme of Action called for reduction of the burden of debt, debt renegotiation and attention to the situation of each individual country and to the special situation of the least developed countries, small island developing States and landlocked developing countries (sect. II (2)).

54. The Addis Ababa Action Agenda also places considerable emphasis on debt and debt sustainability issues (paras. 93-102). It calls for continuation of support for the remaining countries eligible under the Heavily Indebted Poor Countries Initiative (HIPC) that are working to complete the HIPC process. It calls for exploring initiatives, on a case-by-case, to support non-HIPC countries with sound economic policies to enable them to address the issue of debt sustainability. In the Agenda, the world community declared its support for the maintenance of debt sustainability in those countries that have received debt relief and achieved sustainable debt levels (para. 94). The Agenda draws attention to the principles of the United Nations Conference on Trade and Development on responsible sovereign lending and borrowing (para. 97) and affirms the importance of debt restructuring being timely, orderly, effective, fair and negotiated in good faith (para. 98).

South-South cooperation

55. One of the concepts that the New International Economic Order pioneered was South-South cooperation. The Declaration called for "the strengthening, through individual and collective actions, of mutual economic, trade, financial and technical cooperation among the developing countries" (para. 4 (s)). The Programme of Action recommended economic integration at the regional and subregional levels and mutual preferential treatment among developing countries, including in the provision of credit and investment, and in the areas of industry, science and technology, transport, shipping, and mass communication media (sect. VII (1)).

56. The Addis Ababa Action Agenda carries forward that emphasis on South-South cooperation "as a complement, not a substitute, to North-South cooperation" (para. 56). It encourages "efforts to strengthen South-South cooperation and to further improve its development effectiveness in accordance with the provisions of the Nairobi outcome document of the High-level United Nations Conference on South-South Cooperation" (para. 57). In response to the mandate of the Development Cooperation Forum to review trends and progress in international development cooperation, the Department of Economic and Social Affairs of the Secretariat submits a biennial report to the Forum that provides an estimate of the scale of global South-South and triangular cooperation, its geographical and sectoral distribution and its effectiveness and impact.

57. The review above shows that the Addis Ababa Action Agenda indeed carries forward many of the ideas and proposals of the New International Economic Order. Implementation of the Agenda, therefore, not only will help to achieve the Sustainable Development Goals but will also mean the implementation of many objectives that were put on the international community's agenda a long time ago.

C. Paris Agreement and the goal of sustainable development

58. No development can be sustainable unless the threat posed by climate change can be dealt with effectively. The Paris Agreement, adopted at the twenty-first session of the Conference of the Parties to the United Nations Framework Convention on Climate Change in December 2015, has been a significant step in that regard. The international community struggled for a number of years to reach an agreement ever since the first commitment period of the Kyoto Protocol expired in 2012. The Paris Agreement has rekindled the hope that the international community will indeed rise to the challenge and mobilize the necessary concerted effort. Several features of the Agreement and how they relate to the ideas and objectives of the New International Economic Order are noted below.

Right ambition

59. The Paris Agreement states the aim of holding the increase in the global average temperature to well below 2°C above pre-industrial levels and of pursuing efforts to limit the temperature increase to 1.5°C above pre-industrial levels (article 2 (1) (a)). It calls for eventual balance by the second half of the twenty-first century between the anthropogenic emissions of greenhouse gases and their removal by sinks (article 4 (1)). Given that the annual global emission volume crossed 40 gigatons and the atmospheric carbon concentration crossed 400 parts per million, there were calls from pessimistic quarters to abandon the 2°C goal. It is noteworthy that, in adopting the Paris Agreement, States parties rejected such pessimism and reaffirmed their belief in the potential of joint action by the international community, which had been strongly articulated earlier in the outcomes on the New International Economic Order.

Principles of equity and of common but differentiated responsibilities

60. The Paris Agreement states that it will be implemented to reflect the principles of equity and of common but differentiated responsibilities and respective capabilities (article 2 (2)). It also states that parties aim for global peaking of greenhouse gas emissions as soon as possible, recognizing, however, that such peaking will occur in developing countries later than in developed countries (article 4 (1)). It was therefore agreed that developed countries continue to take the lead and undertake economy-wide absolute emission reduction targets, while developing countries are encouraged to do so in the light of different national circumstances (article 4 (4)).

Attention to adaptation

61. A distinguishing feature of the Paris Agreement, especially when compared with the Kyoto Protocol, is the attention given to the task of adaptation (article 7). Although it is recognized that "greater levels of mitigation can reduce the need for additional adaptation efforts" (article 7 (4)), the Agreement responds to the reality that a certain degree of climate change has become inevitable, owing to the

atmospheric carbon concentration that has already occurred and will continue to occur for some time, even under the best mitigation scenario, so that adaptation has become an important task. Each country is asked to prepare, submit and update periodically an "adaptation communication", spelling out priorities, implementation and support needs, plans and actions regarding adaptation (article 7 (10)). That has some parallel with the provision that each shall prepare, communicate and maintain successive nationally determined contribution with regard to mitigation efforts (article 4 (2)).

62. Greater attention to adaptation is important from the perspective of the New International Economic Order, because it also implies greater attention to the needs of the developing countries in the context of global efforts regarding climate change. First, many developing countries have a lesser role in mitigation because of their very low aggregate and per capita greenhouse gas emissions. Second, they are often more affected and vulnerable to the adverse effects of climate change, partly because of their physical location. Third, they have fewer resources to carry out adaptation while achieving the economic growth necessary to improve the material standard of living of their populations. Thus, the attention in the Paris Agreement to adaptation conforms to the spirit of the New International Economic Order.

Climate-related financial support for developing countries

63. Greater attention to adaptation in the Paris Agreement goes together with a stronger call for financial assistance from developed to developing countries. Article 9 (1)) clearly states that developed countries shall provide financial resources to assist developing country parties with respect to both mitigation and adaptation in continuation of their existing obligations under the Convention. Thus, apart from scaling up the amount of financial assistance in general, the Paris Agreement calls for a "balance between adaptation and mitigation", taking into account country-driven strategies and the priorities and needs of developing countries, which is a marked departure from the past practice of focusing financial assistance mostly on mitigation.

64. The Agreement states that developed countries shall biennially communicate indicative quantitative information about their financial assistance provided to developing countries. It stipulates that the Financial Mechanism of the Convention shall serve as the financial mechanism of the Agreement. The call in the Paris Agreement for greater financial assistance to developing countries and for balance between mitigation and adaptation in that assistance is in agreement with the spirit of the New International Economic Order.

Technology transfer and capacity-building for climate mitigation and adaptation

65. The Paris Agreement also emphasizes the need of developing countries for technological support and capacity-building. Its article 10, on technology transfer, calls for sharing a long-term vision on the importance of fully realizing technology development and transfer in order to improve resilience to climate change and to reduce greenhouse gas emissions. It states that financial support shall be provided to developing countries to facilitate the necessary technology development and transfer (article 10.6). It also states that the Technology Mechanism established under the Convention shall serve the Agreement (article 10 (3)).

66. The Paris Agreement recognizes the need for capacity-building in developing countries in order for them to make use of technology transfer. Article 11, on capacity-building, notes that the need is particularly acute for the least developed

countries and those countries that are particularly vulnerable to the adverse effects of climate change, such as the small island developing States. It notes that capacity-building should be with respect to both mitigation and adaptation. At the same time, the Agreement emphasizes that capacity-building should be "country-driven", based on and responsive to national needs and country-owned. It states that capacity-building should be guided by lessons learned from actual experience and be considered at the national, subnational and local levels, taking note of gender differences. It calls upon the developed countries to enhance support for capacity-building actions in developing countries. The Agreement states that all countries shall regularly communicate on their capacity-building efforts, just as they shall communicate their mitigation and adaptation efforts. It also notes the importance of appropriate institutional arrangements at both the national and international levels for facilitation of capacity development.

67. The emphasis in the Paris Agreement on technology transfer, capacity-building and necessary support from developed to developing countries in those respects is in agreement with the New International Economic Order, which also emphasized those issues, as previously noted.

Attention to special groups of countries

68. While emphasizing the importance of assistance to be provided by developed countries to developing countries, in general, the Paris Agreement calls for special attention to be given to special groups of countries, such as the least developed countries, landlocked developing countries and small island developing States. The special needs of such countries, and in some cases special groups of middle-income countries, have also been recognized in the Addis Ababa Action Agenda and the 2030 Agenda for Sustainable Development. There is more reason for that recognition in the Paris Agreement because, as mentioned previously, climate change has caused those groups of countries to be doubly jeopardized, even when they bear little responsibility for causing it.

69. Special attention to the least developed countries, landlocked developing countries and small island developing States is something on which the New International Economic Order was very keen. The Declaration called for "particular attention to the adoption of special measures in favour of the least developed, landlocked and island developing countries as well as those developing countries most seriously affected by economic crises and natural calamities" (para. 4 (c)). Thus, by emphasizing the special needs of the least developed countries, landlocked developing countries and small island developing States, the 2030 Agenda for Sustainable Development, the Addis Ababa Action Agenda and the Paris Agreement are carrying forward an idea that the New International Economic Order had put forward.

Voluntary principle

70. One of the distinguishing marks of the Paris Agreement, particularly in comparison with the Kyoto Protocol, is its voluntary principle. The countries are free to determine their "nationally determined contributions" to the mitigation, adaptation and other climate-related global efforts. The adoption of the voluntary principle helped to break the impasse and arrive at an agreement.

71. While in agreement with the emphasis of the New International Economic Order on national sovereignty, the voluntary principle can be successful only if the nationally determined contributions add up to what is required to achieve the goal

set forth by the Paris Agreement. Similarly, materialization of the financial and technological and capacity-building assistance that has been asked of developed countries for developing countries depends on the voluntary efforts of developed countries. Thus, the adequacy of those efforts is not guaranteed. The key to the resolution of that apparent conflict can again be found in the New International Economic Order, which, alongside its emphasis on national sovereignty, emphasized the interdependence of the welfare and prosperity of developed and developing countries. Greater recognition of that interdependence will be important in achieving the goal of the Paris Agreement.

V. Role of the United Nations

72. The three outcomes, namely the Addis Ababa Action Agenda, the 2030 Agenda for Sustainable Development and the Paris Agreement, have been supported by the leadership and persistent work of the United Nations. The future success of those outcomes also depends crucially on the role of the United Nations.

73. To ensure that the United Nations plays its role, the Addis Ababa Action Agenda, the 2030 Agenda for Sustainable Development and the Paris Agreement have initiated important organizational platforms and processes to facilitate their implementation, including the newly introduced high-level political forum on sustainable development, the Economic and Social Council forum on financing for development follow-up and the Technology Facilitation Mechanism. The Paris Agreement also relies heavily for its implementation on the organizational mechanisms created under the United Nations Framework Convention on Climate Change: it states that the Financial Mechanism and the Technology Mechanism of the Convention shall serve the Agreement.

74. At present, the United Nations is devising the work modalities of the new forums and processes that have been created by the Addis Ababa Action Agenda, the 2030 Agenda for Sustainable Development and the Paris Agreement. Increasingly, the United Nations is enlisting in its work the participation of non-State actors, such as civil society organizations, non-governmental organizations and the business community. Managing the multitrack processes of cooperation itself poses considerable challenges, and their success depends on that cooperation.

75. The enhanced role of the United Nations was already envisaged in the New International Economic Order: the Declaration states that the United Nations "as a universal organization should be capable of dealing with problems of international economic cooperation in a comprehensive manner and ensuring equally the interests of all countries" (para. 6). It envisaged a central role for the Economic and Social Council in its implementation. All organizations were asked to submit to the Council their progress reports on the implementation of the New International Economic Order, and the Council was requested to draw the attention of the General Assembly to any difficulty experienced in the implementation of the Programme of Action. The United Nations may still take cues from those New International Economic Order ideas in considering ways to implement the Addis Ababa Action Agenda, the 2030 Agenda for Sustainable Development and the Paris Agreement, by ensuring sustained, inclusive and equitable economic growth and sustainable development.

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The rule of law at the national and international levels

Strengthening and coordinating United Nations rule of law activities

Report of the Secretary-General

Summary

The present report is submitted pursuant to General Assembly resolution 70/118. It highlights United Nations rule of law developments and activities at the national and international levels over the past year, and includes illustrative examples of the broad range of work covered by the United Nations entities that are members of the Rule of Law Coordination and Resource Group.

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I. Introduction

1. The present report is submitted pursuant to General Assembly resolution 70/118. It contains information on the work of the Rule of Law Coordination and Resource Group, its members, and the Rule of Law Unit. The report highlights United Nations activities in support of national implementation of multilateral treaties and facilitating access to justice for all, including the poorest and most vulnerable, which are the subtopics chosen by Member States for their consideration of the item "The rule of law at the national and international levels" during the seventy-first session of the General Assembly. It also responds to the invitation to the Secretary-General under resolution 70/118 to review the regulations on the registration and publication of treaties and on developments and practices regarding the depositary functions of the Secretary-General.

II. Promotion of the rule of law at the international level

2. The United Nations continues to be instrumental in the promotion of a system based on the rule of law at the international level, anchored in the Charter of the United Nations and framed by the corpus of international treaties and international justice mechanisms developed under its auspices. The effectiveness of the pursuit of peace and security, human rights and sustainable development is largely dependent on the strength and consistency of rule of law institutions.

A. Codification, development and promotion of an international framework of norms and standards

3. The annual high-level treaty event continues to be an important instrument for the promotion of the international normative framework. At the event held in 2015, 31 treaty-related actions were completed by 24 States.

4. The Paris Agreement on Climate Change adopted in December 2015 was a major achievement in strengthening the global response to climate change. At its opening for signature, 175 States signed and 15 States ratified or accepted it. The Minamata Convention on Mercury was ratified by an additional 16 States. Eleven additional States have consented to be bound to the Nagoya Protocol on Access to Genetic Resources and the Fair and Equitable Sharing of Benefits Arising from Their Utilization to the Convention on Biological Diversity.

5. One additional State became party to the Agreement for the Implementation of the Provisions of the United Nations Convention on the Law of the Sea of 10 December 1982 relating to the Conservation and Management of Straddling Fish Stocks and Highly Migratory Fish Stocks. The first session of the Preparatory Committee established to make recommendations to the General Assembly on the elements of a draft text of an international legally binding instrument under the Convention on the conservation and sustainable use of marine biological diversity of areas beyond national jurisdiction was held from 28 March to 8 April 2016.

6. The Amendment to article 124 of the Rome Statute of the International Criminal Court was adopted on 26 November 2015. To date, no instruments of

ratification or acceptance have been deposited with the Secretary-General in relation to the instrument.

7. In the field of human rights, there have been a number of new ratifications across 10 of the core human rights treaties and their optional protocols. One additional State ratified the Convention on the Rights of the Child, bringing the number of parties to 196. The Optional Protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography had four new ratifications, while six additional States became parties to the Optional Protocol to the Convention on the Rights of the Child on the involvement of children in armed conflict. Six additional States have become parties to the Optional Protocol to the Convention on the Rights of the Child on a communications procedure. Twelve additional States became parties to the Convention on the Rights of Persons with Disabilities. There were four new accessions to the 1961 Convention on the Reduction of Statelessness.

8. In relation to the work of the human rights treaty bodies, notable developments include the adoption by the Committee on the Elimination of Discrimination against Women of general recommendations No. 33 (2015) on women's access to justice and No. 34 (2016) on the rights of rural women. The Committee on Economic, Social and Cultural Rights adopted general comments No. 22 (2016) on the right to sexual and reproductive health and No. 23 (2016) on the right to just and favourable conditions of work.

9. In the area of transnational crime, two States became parties to the United Nations Convention against Transnational Organized Crime and one State extended the Convention to territories for whose international relations it is responsible; three States became parties to the Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children; one State became party to the Protocol against the Smuggling of Migrants by Land, Sea and Air; and one State became party to the Protocol against the Illicit Manufacturing of and Trafficking in Firearms, Their Parts and Components and Ammunition. One State became party to the International Convention for the Suppression of the Financing of Terrorism and one State extended the application of the Convention to a territory for whose international relations it is responsible. One additional State became party to the International Convention for the Suppression of Acts of Nuclear Terrorism. Three States have become parties to the United Nations Convention against Corruption and there were 10 new ratifications of the Convention on Cluster Munitions.

10. With regard to international commercial law and development, at its forty-ninth session in 2016, the United Nations Commission on International Trade Law (UNCITRAL) adopted the UNCITRAL Model Law on Secured Transactions, the Technical Notes on Online Dispute Resolution and the second edition of the Notes on Organizing Arbitral Proceedings. The official signing ceremony for the United Nations Convention on Transparency in Treaty-based Investor-State Arbitration (Mauritius Convention) was held in Mauritius in March 2015. There were more than 58 legislative actions with respect to UNCITRAL texts.

11. With the aim of assisting Member States to participate effectively in the international multilateral treaty framework, the Office of Legal Affairs delivered two workshops on international treaty law and practice, attended by representatives of over 40 States.

B. International and hybrid courts and tribunals

12. The peaceful settlement of international disputes and ensuring accountability for international crimes are key elements in promoting the rule of law at the international level and essential to the maintenance of international peace and security.

13. The International Court of Justice plays a key role in the rule of law architecture of the United Nations. The Court issued a judgment in the case of *Certain Activities carried out by Nicaragua in the Border Area (Costa Rica v. Nicaragua)* case and continued proceedings on other contentious cases. As at 15 July 2016, there were 14 cases on the list of cases pending before the Court. The campaign of the Secretary-General to increase acceptance of the compulsory jurisdiction of the Court continues to bring attention to the special role of the Court in international dispute resolution.

14. There are now 124 States parties to the Rome Statute of the International Criminal Court, following the deposit by El Salvador of its instrument of accession. The United Nations remains committed to the Court and continues to cooperate by providing logistical support for its field operations and information sought by the Prosecutor and by defence counsel.

15. The International Criminal Court opened the trial against Bosco Ntaganda, accused of war crimes and crimes against humanity, allegedly committed in the Democratic Republic of the Congo between 2002 and 2003. The Pre-Trial Chamber of the Court granted the Prosecutor's request to authorize an investigation into the situation in Georgia between 1 July and 10 October 2008. The Prosecutor initiated a preliminary examination of the situation in Ukraine, following acceptance by that country of the jurisdiction of the Court with respect to alleged crimes committed on its territory since 20 February 2014. The trial of Laurent Gbagbo and Charles Blé Goudé, charged with crimes against humanity committed in Côte d'Ivoire between December 2010 and April 2011, began on 28 January 2016. In the fourth verdict of the Court, the former Vice-President of the Democratic Republic of the Congo, Jean-Pierre Bemba Gombo, was convicted of war crimes and crimes against humanity in the Central African Republic. The Court confirmed charges of war crimes and crimes against humanity against Dominic Ongwen for acts allegedly committed in Uganda between July 2002 and December 2005. The Prosecutor announced that Ahmad Al Faqi Al Mahdi, who faces charges of war crimes of intentionally directing attacks against historic monuments and buildings dedicated to religion in Timbuktu, Mali, had expressed his intention to plead guilty. It is the first time that a case of this kind will be considered as a war crime by the Court. The United Nations Entity for Gender Equality and the Empowerment of Women (UN-Women) deployed an expert investigator to the Office of the Prosecutor at the Court to aid in the investigation of sexual and gender-based crimes committed in Mali. On the basis of insufficient evidence against the accused, the Court issued a decision to terminate the case against William Samoei Ruto and Joshua Arap Sang, who were accused of crimes against humanity committed in the context of post-election violence in Kenya between December 2007 and January 2008.

16. The International Criminal Tribunal for Rwanda concluded its judicial proceedings with the delivery of the Appeals Chamber judgment in the case of the *Prosecutor v. Pauline Nyiramasuhuko and others* (*Butare* case) on 14 December

2015, becoming the first United Nations ad hoc international criminal tribunal to complete its mandate. The closure of the Tribunal does not signify impunity for the remaining fugitives. For example, Ladislas Ntaganzwa was arrested in the Democratic Republic of the Congo and transferred to Rwanda, where his case was referred for trial by the Tribunal.

17. The Trial Chambers of the International Tribunal for the former Yugoslavia convicted Radovan Karadžić of genocide, crimes against humanity and war crimes, and acquitted Vojislav Šešelj of war crimes and crimes against humanity. The Appeals Chamber ordered the retrial of Jovica Stanišić and Franko Simatović on all counts of their indictments. Appeals against the *Karadžić* and *Šešelj* trial judgments will be heard by the International Residual Mechanism for Criminal Tribunals. The Residual Mechanism has also commenced pretrial proceedings in the case against *Stanišić* and *Simatović*. UN-Women supported the publication of a book entitled *Prosecuting Conflict-Related Sexual Violence at the ICTY*.

18. The Extraordinary Chambers in the Courts of Cambodia have ongoing proceedings in all three chambers. The Supreme Court Chamber is seized with the appeal in phase 1 of Case 002 and judgment is expected in 2016. The trial proceedings in phase 2 of Case 002 are continuing and a total of four suspects have been charged in Cases 003 and 004, which are at the investigation stage. The United Nations Trust Fund to End Violence against Women further strengthened its project to enhance gender sensitivity in the proceedings under the Extraordinary Chambers.

19. The Special Tribunal for Lebanon continues to conduct the trial in absentia of four persons accused of perpetrating the attack which killed Rafiq Hariri and 22 others. The Tribunal delivered judgment in the first-ever contempt trial against a corporate entity before an international criminal tribunal, with the acquittal of the corporate entity and a journalist. The judgment in the second contempt case was delivered on 15 July 2016.

20. The Residual Special Court for Sierra Leone, which continues the jurisdiction and essential functions of the Special Court for Sierra Leone, has addressed matters related to the detention of a convicted person and compliance with the terms of conditional early release.

21. The United Nations is providing technical assistance to the African Union Commission for the establishment of the hybrid court for South Sudan to address international and national crimes committed since December 2013.

C. Security Council accountability and support mechanisms

22. The Office of the United Nations High Commissioner for Human Rights (OHCHR) continued to support three commissions of inquiry (on the Syrian Arab Republic, the Occupied Palestinian Territory and Eritrea) and conducted investigations and fact-finding missions on Sri Lanka, Iraq and Libya and on atrocities committed by the terrorist group Boko Haram, and carried out a human rights assessment mission to South Sudan. Most commissions and missions have included gender experts seconded from UN-Women.

23. Further to the resolutions of the Security Council on accountability for conflict-related sexual violence, the Office of the Special Representative of the Secretary-General on Sexual Violence in Conflict developed a strategy for the

Middle East and North Africa aimed at integrating concerns on conflict-related sexual violence with counter-terrorism efforts and promoting accountability. For that purpose, the Office signed a regional cooperation agreement with the League of Arab States. Efforts to ensure accountability for conflict-related sexual violence continued in the Central African Republic, Côte d'Ivoire, the Democratic Republic of the Congo, Guinea, Mali, Somalia and South Sudan. The Office also promoted action plans to combat sexual violence with non-State actors, such as in South Sudan.

24. The Security Council requested the Secretary-General to include in the annexes to his future reports on children and armed conflict, those parties to armed conflict that engaged in patterns of abduction of children. The Special Representative of the Secretary-General for Children and Armed Conflict continues to monitor and report grave violations against children pursuant to Security Council resolution 1612 (2005). Her Office prepared reports on Iraq and the Central African Republic and global reports on children and armed conflict, and supported the implementation of the conclusions of the Security Council Working Group on Children and Armed Conflict regarding specific country situations. The Special Representative engaged with sanctions committees and briefed on the situation in the Central African Republic, the Democratic Republic of the Congo, South Sudan, the Sudan and Yemen.

D. Registration and publication of treaties

25. As requested in paragraph 8 (b) of resolution 70/118, the Secretary-General has conducted a review of the regulations giving effect to Article 102 of the Charter.[1] In that regard, the Sixth Committee may wish to consider revising the regulations, with a view to, inter alia:

(a) Reaffirming the importance of the registration and publication of treaties, as provided for in Article 102 of the Charter, and encouraging States to continue to submit treaties for registration;

(b) Reviewing the substantive conditions for registration (article 1);

(c) Recognizing the role of depositaries (other than the United Nations) in the registration of treaties, reflecting the current practice of the Secretariat and the relevant provisions of the 1969 Vienna Convention on the Law of Treaties (article 1, para. 3 etc.);

(d) Clarifying and simplifying the procedural requirements that States must meet when submitting a treaty for registration (article 5);

(e) Recognizing and further facilitating the use of electronic resources (notably, the United Nations Treaty Collection website) as an integral tool in the registration and publication process (article 9);

(f) Considering whether the current requirements for publication (article 12) appropriately meet the needs of Member States, notably the requirement for treaties to be translated into English and French, the list of treaties subject to limited

[1] See resolution 97 (1) of 14 December 1946, as modified by resolutions 364 B (IV) of 1 December 1949, 482 (V) of 12 December 1950 and 33/141 A of 19 December 1978. See also resolution 52/153 of 15 December 1997.

publication and the relationship between the United Nations Treaty Series and treaty registries and collections maintained by Member States or other entities;

(g) Modernizing the methods used to disseminate information on registered treaties, for example by replacing the requirement to produce a monthly statement of registered treaties (article 13) with an approach that draws more effectively on electronic resources, such as the United Nations Treaty Collection website.

E. Depositary functions of the Secretary-General

26. As requested in paragraph 8 (d) of resolution 70/118, the Secretary-General hereby provides brief information on developments and practices in the discharge of his functions as depositary of multilateral treaties, which are not reflected in the *Summary of Practice of the Secretary-General as Depositary of Multilateral Treaties*:

(a) The Secretary-General's bulletin entitled "Procedures to be followed by the departments, offices and regional commissions of the United Nations with regard to treaties and international agreements" (ST/SGB/2001/7), issued on 28 August 2001, contains, inter alia, instructions in relation to the discharge of his depositary functions under multilateral treaties;

(b) In an effort to reduce paper consumption and to conserve energy and resources, the Treaty Section of the Office of Legal Affairs has discontinued the annual hard-copy publication of the *Status of Multilateral Treaties Deposited with the Secretary-General*, which has been replaced with an online version available on the United Nations Treaty Collection website (updated daily). It has also discontinued the distribution of depositary notifications on paper, which are currently circulated electronically through the automated subscription services and are fully accessible on the Treaty Collection website;

(c) The Treaty Section is currently implementing a project aimed at making accessible online all depositary notifications issued by the Secretary-General since 1945;

(d) The Treaty Section has undertaken consistent efforts to rationalize the division of labour between the depositary functions it exercises on behalf of the Secretary-General and the secretariat functions that other United Nations offices discharge under multilateral treaties, notably with regard to the receipt and circulation of notifications relating to such treaties;

(e) The Secretary-General has extended to 12 months the period by which parties must inform him if they wish him not to accept in deposit a communication by a State Party which seeks to modify an existing reservation. He has also extended to 12 months the period by which parties must inform him that they do not wish to be considered as accepting a late reservation;

(f) In its current depositary practice, the Secretary-General accepts the deposit of an instrument on the basis of a copy sent to the Treaty Section by fax or e-mail, provided that the original of such instrument is received as soon as possible thereafter;

(g) In an effort to provide capacity-building to Member States, the Treaty Section organizes, in collaboration with host Governments, regional workshops on

treaty law and practice, which provide information, inter alia, on the discharge of the depositary functions of the Secretary-General.

III. National implementation of multilateral treaties: United Nations support for the rule of law at the national level

27. United Nations rule of law assistance is guided by the international legal framework. It supports the development of national legislation consistent with international norms and standards, and the strengthening of institutions to achieve peace, security and justice, protect human rights and enable sustainable development.

Support to constitution-making

28. Constitutions provide the normative and institutional foundation of States. It is therefore critical that they enable a strong system based on the rule of law, consistent with international obligations, especially those derived from human rights law. In Liberia, Libya and Somalia the Department of Peacekeeping Operations, the Department of Political Affairs and the United Nations Development Programme (UNDP) have provided assistance in ongoing reform processes, including ensuring the participation and inclusion of different sectors. In Nepal, UNDP supported national consultations to inform the constitution-making process. UN-Women has worked in Liberia, Myanmar, Nepal and Sierra Leone to assist in the incorporation of constitutional provisions that support gender equality. OHCHR has provided assistance regarding the human rights aspects of proposed constitutional provisions in Sierra Leone, Thailand and Ukraine.

Law reform and justice systems

29. Legal frameworks based on international human rights norms, and supported by independent, efficient and competent justice systems, are core elements of the rule of law and therefore a priority of United Nations assistance. In Somalia, the United Nations Assistance Mission (UNSOM) and UNDP have supported the elaboration of legal frameworks for police, justice and corrections in the new federal system and the review of the sexual offences bill, while the Office of the United Nations High Commissioner for Refugees (UNHCR) has supported the development of legislation on housing, land and property in the context of internal displacement and refugee protection. UNDP has supported the drafting of laws in Afghanistan, Myanmar, the State of Palestine and Somalia, including on ensuring provisions for vulnerable groups. The United Nations Office on Drugs and Crime (UNODC) has contributed to criminal law reforms in Cabo Verde (alternatives to detention for individuals between 16 and 21 years), Myanmar (legal aid), Thailand (criminalization of sexual abuse and exploitation of children), and Uruguay (regulations concerning children in conflict with the law). UNHCR has supported more than 60 countries in ensuring that their national legal frameworks are in compliance with international refugee law.

30. The Department of Peacekeeping Operations has deployed 242 justice experts in 13 peace operations to advance stabilization and security, guide national authorities to extend basic legal services to all populations, lay the foundations for

strengthening rule of law institutions, ensure criminal accountability and address impunity for crimes that fuel conflict. The United Nations Mission in Liberia (UNMIL) helped to set up jury and case management units and with UNDP, the Peacebuilding Fund continued to support a project on justice and security hubs to make services accessible. UNDP supported sector-wide planning on justice and security with particular emphasis on promoting access to justice for vulnerable groups, for example in Guatemala, Guinea-Bissau and Myanmar. Increased attention is also being paid to measuring the effectiveness of the justice sector through mechanisms to monitor and collect data. The United Nations Assistance Mission in Afghanistan (UNAMA) and UNDP supported Afghanistan in measuring the effectiveness of law enforcement, justice and correctional institutions using the Rule of Law Indicators Survey.

31. Training remains an important component of capacity-building efforts for justice personnel, as well as for practitioners and civil society. The Department of Peacekeeping Operations has continued to professionalize criminal justice institutions by developing vetting procedures, legislation, regulations, policies, training programmes and institutions across all 13 peace operations with justice and corrections mandates. The African Union-United Nations Hybrid Operation in Darfur (UNAMID) has supported training for rural court judges in cases related to land disputes and other conflict drivers. To date, judges representing 40 rural courts have been trained. In Guinea-Bissau, Kosovo and Pakistan, UNDP has supported judicial training academies and in Pakistan training for community paralegals. UNHCR has implemented a training programme on refugees for government officials and non-governmental organizations (NGOs) in numerous countries and supported legal practitioners and civil society organizations dealing with asylum seekers and refugees.

Police

32. The Department of Peacekeeping Operations currently supports the deployment of about 13,500 United Nations police officers and civilian experts to 18 peace operations and other post-conflict and crisis situations. The officers support national policing institutions and rule of law mechanisms, including through operational support in maintaining basic law and order functions and interim policing. In the Central African Republic, United Nations police have assumed interim responsibilities in Bangui, where national police are not present or not operational. United Nations police supported security in the elections in Côte d'Ivoire in October 2015, in Haiti in December 2015 and in the Central African Republic in 2015-2016. In Haiti, the United Nations Stabilization Mission (MINUSTAH) is supporting the strengthening of the national police by training 5,471 officers. The United Nations Children's Fund (UNICEF) and the Department of Peacekeeping Operations have supported predeployment training on children's rights and justice for children. In Somalia, the United Nations Mine Actions Service trained and equipped police teams in explosive hazard clearance.

33. Support to policing also strives to strengthen community-police relationships. In the Democratic Republic of the Congo, Pakistan and Tunisia, UNDP has supported community policing initiatives, such as the development of joint community-police plans. In Nepal, the United Nations Office for Project Services (UNOPS) built 10 citizens' help desks to allow citizens to discuss security issues with local police. In Afghanistan, Pakistan and Somalia, UNDP has supported the

recruitment of female police officers and training on gender-sensitive police services, while in Sierra Leone, it supported the establishment of an independent police complaints board to encourage accountability. In Kenya, UNODC supported the development of codes of conduct, a human rights strategy and a gender-mainstreaming policy for the national police, as well as the strengthening of the civilian-led oversight authority, while in Myanmar it has provided advice for addressing disciplinary measures. UN-Women has supported training on conflict-related sexual violence for police and military officers in four countries, including training for female military officers in India and South Africa.

Corrections

34. The Department of Peacekeeping Operations currently deploys 431 specialist Corrections Officers to conflict and post-conflict settings to advance peace and security through the strengthening of prison services. In Liberia, UNMIL is supporting the operation of 14 prisons and the development of a four-year strategic prison plan. In the Central African Republic, the United Nations Multidimensional Integrated Stabilization Mission (MINUSCA) has supported the enactment of an overarching prison law, which provides a legal framework for the re-establishment of the national prison service, and has assisted with reopening the central prison. In Afghanistan, UNAMA conducted a survey to support the provision of health services to prisoners. In Darfur, UNAMID has supported legal aid desks in six prisons, which have contributed to a reduction in overcrowding and prolonged pretrial detention. UNOPS has reviewed the *Technical Guidance for Prison Planning* to support the development of correctional infrastructure that meets human rights obligations.

35. The Department of Peacekeeping Operations has provided support for professionalizing the corrections services through training and regulatory reform in the Central African Republic, Darfur, the Democratic Republic of the Congo, Liberia, Mali and Somalia. In support of the professionalization of the management of prisons, the United Nations Organization Stabilization Mission in the Democratic Republic of the Congo (MONUSCO) has assisted with the training of 187 officers on incident management. in Algeria, UNDP has supported the development of training programmes and guidance for prison administrators and psychosocial support to juvenile prisoners. UNODC has provided training to prison officials in Burkina Faso, Chad, Mali, Myanmar, Somalia and the United Arab Emirates.

36. Efforts addressed at the well-being of prisoners have included UNODC activities to promote literacy and vocational skills, including for female prisoners, in Afghanistan. In Peru, UNOPS has supported the establishment of social rehabilitation services in prisons in two provinces. OHCHR has supported women's rights in custodial settings through capacity-building activities with the network of national human rights institutions in West Africa.

37. United Nations assistance has also addressed alternatives to detention in different contexts. In Malaysia, UNHCR supported a national action plan on alternatives to immigration detention for asylum seekers. In Armenia, the United Nations Democracy Fund generated and supported a project to develop a pilot probation system to address the overuse of imprisonment and promote proportionate responses to crime.

Disarmament, demobilization and reintegration

38. In States emerging from conflict, the presence of armed persons, unemployed and trained in using violence and often with links to organized crime, is one major obstacle to restoring the rule of law. In response to the changing nature of conflict, disarmament, demobilization and reintegration efforts now encompass a broad range of activities from the prevention of recruitment (youth at risk projects in Darfur) to enabling the creation of sustainable livelihoods, including through a legal aid programme, as part of community violence reduction initiatives (Haiti), the repatriation of foreign fighters (Democratic Republic of the Congo), the cantonment and relocation of warring factions (Mali, Central African Republic) programmes supporting disengaging fighters (Somalia and Democratic Republic of the Congo) and assistance to the African Union and its subregional organizations for developing capacity in the area of disarmament, demobilization and reintegration.

Security sector reform

39. In resolution 2151 (2014), the Security Council reaffirmed that security sector institutions which are fully compliant with human rights are a key element for recovering from conflict and strengthening rule of law institutions. In the Central African Republic, MINUSCA provided advice on the development of defence and security provisions in the draft constitution and on the reorganization of the Ministry of Defence and the armed forces. In Mali, the United Nations Multidimensional Integrated Stabilization Mission (MINUSMA) supported the implementation of the defence and security provisions of the Agreement on Peace and Reconciliation and the rebuilding of the security sector. In Côte d'Ivoire, the United Nations Operation has provided technical support on defence sector reform. UNDP has supported the development of security strategies in Iraq and Guatemala and accountability through human rights training in Chad. UNOPS is implementing a three-year programme to support the State of Palestine in strengthening civilian governance of the security sector. Through a coordinated system-wide effort, the United Nations Inter-Agency Security Sector Reform Task Force finalized a publication aimed at practitioners entitled *Security Sector Reform: Integrated Technical Guidance Notes*.

The fight against impunity and transitional justice

40. Transitional justice mechanisms aim to restore the rule of law through truth, justice, reparation and guarantees of non-recurrence. Accountability for serious crimes is a central element in those processes. OHCHR has sought to strengthen national capacity for the investigation and prosecution of serious human rights violations, for example in Cambodia, Colombia and Guatemala. In the Central African Republic, MINUSCA and UNDP are assisting the transitional authorities in the establishment of a special criminal court, which will operate according to national legislation, with national and international magistrates to try those responsible for serious human rights violations committed since 2002. In the Democratic Republic of the Congo, MONUSCO and UNDP prosecution support cells have contributed to 19 war crimes investigation missions and the holding of 14 mobile courts, with 148 persons arraigned resulting in 114 convictions, between July and December alone. OHCHR has provided advice on accountability and transitional justice arrangements foreseen by peace agreements in Mali, South Sudan and the Sudan (Darfur). It has also supported the Extraordinary African

Chambers set up within the Senegalese court system and monitored the trial of Hissène Habré, who was convicted for crimes against humanity, war crimes and torture.

41. In Sri Lanka, OHCHR has provided advice on transitional justice mechanisms to deal with allegations of violations of international humanitarian and human rights law. In Kosovo, the Department of Peacekeeping Operations and UNDP have contributed to the development of the transitional justice strategy and supported national consultations on judicial integration. OHCHR has also supported local initiatives to promote national ownership of transitional justice processes in Chad and Mauritania. In Tunisia, UNDP and OHCHR have provided support to the Truth and Dignity Commission and OHCHR has provided advice on violations of economic, social and cultural rights. In Colombia, UNDP has supported the participation of victims in the peace negotiations and their access to redress and reparations; OHCHR supported the investigation and prosecution of extrajudicial killings; and the Special Representative of the Secretary-General for Children and Armed Conflict supported the inclusion of a commitment in the peace negotiations to stop the recruitment and use of children by the Revolutionary Armed Forces of Colombia — People's Army (FARC-EP) and is assisting the process of their separation and reintegration. OHCHR has advocated for the meaningful inclusion of women in peace processes and reconciliation mechanisms, including in Afghanistan, Guinea, Libya and Tunisia, and UNDP has continued to support access to justice for indigenous women in transitional justice processes in Guatemala. UN-Women has deployed nearly 30 gender experts to support national, regional and international investigations and accountability processes, including to commissions of inquiry and fact-finding missions.

Statelessness

42. UNHCR has continued its technical support to governmental efforts to resolve and prevent situations of statelessness. In Côte d'Ivoire, its support enabled over 2,000 stateless individuals to acquire nationality. In Central Asia, its work with government and NGO partners has enabled the identification and resolution of thousands of cases of statelessness. In Thailand, cooperation with the Government and NGOs has resulted in the granting of nationality to more than 18,000 individuals in the last three years. In partnerships with Governments and NGOs, UNHCR has also facilitated birth registration to prevent statelessness, including in Bosnia and Herzegovina, Indonesia and Kenya. It has continued to support countries neighbouring the Syrian Arab Republic to facilitate and improve the registration of children born to Syrian refugees.

Refugees and internally displaced persons

43. Procedures for determining refugee status, based on international standards, continue to be critical to the integrity of the institution of asylum. UNHCR has worked with States on quality assurance initiatives: in Argentina, Bolivia (Plurinational State of), Brazil, Costa Rica, Mexico and Panama, and in Eastern Europe and the Caucasus, those initiatives have supported the incorporation of due process of law principles into procedures for determining refugee status. In 60 countries and territories that lack functioning or effective procedures, UNHCR has continued to carry out refugee status determination procedures. In Europe, it has intensified advocacy efforts for a holistic and coordinated response. In Bosnia and

Herzegovina, it has supported strategic litigation to promote judicial interpretations of asylum laws in conformity with international standards.

44. To support Member States in addressing challenges posed by refugees and internally displaced persons, UNHCR activities have included legal information and counselling in Lebanon and Georgia; capacity-building on the housing, land and property rights of refugees and internally displaced persons in the Central African Republic; advocacy for the provision of housing for returnees and refugees excluded from the regional housing programme in Croatia; and support for the development of a policy for internally displaced persons in Sri Lanka. It nas also promoted access to national health care systems for refugees in Egypt, Ghana, the Islamic Republic of Iran, Malaysia and Niger, as well as access to education, child protection systems and livelihoods for refugees in numerous other countries.

Gender-based violence and conflict-related sexual violence

45. Appropriate responses to gender-based crimes require measures specifically tailored to address the particularities associated with them. OHCHR is supporting the adoption or implementation of legislation on sexual violence (Afghanistan, Burundi, the Central African Republic, Iraq, Nigeria and Timor-Leste), advocating for the participation of victims and witnesses of sexual violence in peace and reconciliation processes (the Central African Republic and Darfur), supporting assistance to victims of sexual violence and supporting reparation efforts (Darfur, the Democratic Republic of the Congo, Guatemala and Tunisia). UN-Women has supported efforts to review discriminatory laws and to provide gender-sensitive justice services. In Afghanistan it has supported women's protection centres and family guidance centres in 11 provinces, benefiting more than 3,500 women and their children, and in Indonesia it has provided training to High Court judges on human rights and gender perspectives. OHCHR has supported research and projects on wrongful stereotyping by the judiciary in cases of sexual and gender-based violence, inter alia, in Guatemala and West Africa. In Somalia, UNSOM, United Nations police, UNDP and UN-Women, have assisted the police in developing a strategy to strengthen their capacity to prevent and address sexual and gender-based violence. In Liberia, UNDP has supported training for the police on investigating crimes of sexual and gender-based violence and setting up a victim hotline, and in Burundi, Iraq and Sierra Leone it has supported legal aid centres offering services to survivors of sexual and gender-based violence from refugee and internally displaced person populations. UNHCR has deployed eight Senior Protection Officers to 11 operations to provide technical support in the prevention of sexual and gender-based violence and response programming in emergencies and has established a high-level advisory group on gender, forced displacement and protection. UNODC has provided gender-sensitive training to criminal justice and/or law enforcement officers in Kyrgyzstan, the State of Palestine, South Africa and Viet Nam and delivered training to the judiciary on stereotypes regarding sexual violence. To promote gender-sensitive approaches in justice systems, the Special Representative of the Secretary-General on Violence against Children issued a report entitled "Safeguarding the rights of girls in the criminal justice system: preventing violence, stigmatization and deprivation of liberty".

46. The Team of Experts on the Rule of Law and Sexual Violence in Conflict, established under Security Council resolution 1888 (2009), has continued to provide assistance to national authorities on criminal investigations and prosecutions, the

collection and preservation of evidence of sexual violence, substantive and procedural law reform, the protection of victims and witnesses and reparations. The Team has deployed to the Central African Republic, Colombia, the Democratic Republic of the Congo, Guinea, Iraq, Mali, South Sudan and the Syrian Arab Republic and its neighbouring countries.

Protection of children

47. Rule of law assistance specifically aimed at supporting the protection of children covers a broad range of areas. In 57 countries, UNICEF has focused its efforts on improving legal frameworks, including in Croatia to allow diversion measures for youth in conflict with the law, in Sri Lanka regarding the minimum age of criminal responsibility and in Viet Nam to modify the criminal policy for child offenders. The Special Representative of the Secretary-General on Violence against Children has continued to support the adoption of legislation prohibiting all forms of violence against children, including in Chile, Panama, Paraguay and Peru.

48. UNICEF has supported legal services for children in 84 countries, capacity-building activities in 78 countries and training on justice for children in 35 countries, benefiting over 40,000 judicial, law enforcement and social affairs officers. It has supported the investigation and prosecution of online child sexual exploitation in 13 countries and alternative and diversion measures for children in conflict with the law in countries such as Albania and Egypt. UNODC, together with the Office of the Special Representative of the Secretary-General for Children and Armed Conflict, OHCHR and UNICEF, has provided capacity-building in West Africa on justice and security challenges concerning children associated with violent extremist groups. The Special Representative of the Secretary-General on Violence against Children has supported the development of regional plans for the protection of children from violence, such as the Association of Southeast Asian Nations Regional Plan of Action on the elimination of violence against children, the Council of Europe Strategy for the rights of the child and Africa's Agenda for Children 2040. To promote children's access to information about their rights, she also developed child-friendly versions of the Optional Protocols to the Convention on the Rights of the Child.

49. In conflict-affected countries, the Special Representative of the Secretary-General for Children and Armed Conflict has continued to advance the campaign "Children, Not Soldiers", aimed at ending the recruitment and use of children in government forces, and together with UNICEF, she has continued to support the implementation of action plans with parties to conflict in Afghanistan, the Democratic Republic of the Congo, Myanmar, Philippines, Somalia, South Sudan and Yemen. The Government of the Sudan has signed an action plan to end and prevent child recruitment and use in its security forces, providing for measures to ensure accountability. UNICEF has provided reintegration assistance to almost 7,000 children released from armed forces or non-State armed groups. It has also supported the development of release and reintegration strategies in the Central African Republic, Colombia and South Sudan.

Human trafficking and the smuggling of migrants

50. Through its global programmes against trafficking in persons and the smuggling of migrants, UNODC has supported activities in more than 70 countries.

Approximately 900 criminal justice practitioners and government officials have been trained to investigate and prosecute trafficking in persons and the smuggling of migrants while providing support to the victims. UN-Women has supported measures to address gender-sensitive responses to trafficking and to promote the rights of women migrants, such as in the Republic of Moldova, where it has supported the drafting of legislation on labour, migration and human trafficking, and in Ukraine, where it has supported the drafting of legislation to ensure that victims of trafficking have access to the services they need. UNODC, with UNICEF and the International Organization for Migration, launched a new four-year global action to prevent and address trafficking in persons and smuggling of migrants, which seeks to assist 13 countries in Africa, Asia, Eastern Europe and Latin America and to foster international cooperation. OHCHR has supported the capacity development of law enforcement officials in Eastern Europe, the Middle East and South-East Asia, and has supported training on the human rights of migrants for naval forces operating in the Mediterranean.

Transnational organized crime

51. UNODC continues to provide technical assistance for the ratification and implementation of the United Nations Convention against Transnational Organized Crime. It has supported assessments, awareness-raising, training, legislative advice and developed a number of guides to the Convention. It has supported regional networks of central authorities and prosecutors dealing with organized crime, such as the Network of Prosecutors and Central Authorities from Source, Transit and Destination Countries in response to Transnational Organized Crime in Central Asia and Southern Caucasus and the West African Network of Central Authorities and Prosecutors against Organized Crime. In South Asia it supported the establishment of the Regional Intelligence and Coordination Centre on Transnational Organized Crime to facilitate the collection, analysis and sharing of criminal intelligence.

52. UNODC launched LE TrainNet, a platform for cooperation between law enforcement training institutions. With the World Customs Organization, UNODC has expanded its support for law enforcement agencies to detect illicit goods in cargo containers at sea, land and air ports in Afghanistan, Indonesia, Jordan, Malaysia, the Philippines, Thailand, Uzbekistan and Viet Nam. In West Africa, UNODC has continued to support the Economic Community of West African States in the implementation of its Regional Action Plan against drug use, trafficking and organized crime. United Nations Police has continued to strengthen its capabilities to address serious and organized crime. In cooperation with the International Criminal Police Organization (INTERPOL) and national transnational crime units, United Nations Police has expanded the capacity to gather and analyse information on serious and organized crime in the 18 United Nations peace operations. It has also conducted capacity gap assessments in the Democratic Republic of the Congo, Côte d'Ivoire, Haiti and Liberia.

53. UNODC has continued to support the strengthening of regimes to prevent the illicit manufacturing and trafficking of firearms, providing legislative and policy advice in 9 countries in West Africa, and 16 in Latin America. Support regarding wildlife crime was increasingly emphasized in particular in Eastern and Western Africa and South-East Asia. The UNODC global programme on cybercrime continued to help Member States to build capacity with a focus on Central America, East Africa and South-East Asia. To support efforts to address trafficking in cultural

property, UNODC is developing a practical assistance tool and is developing a database of national legislation and case law.

Counter-terrorism

54. Respect for the rule of law and human rights while countering terrorism is a fundamental basis for all measures to prevent and counter terrorism. Through the United Nations Counter-Terrorism Implementation Task Force, United Nations entities have continued to support capacity-building aimed at strengthening institutions based on the rule of law to prevent and counter terrorism. The Task Force, in consultation with the Counter-Terrorism Committee Executive Directorate and the Al-Qaida Monitoring Team, supported the preparation of a capacity-building implementation plan to assist Member States in addressing foreign terrorist fighters.

55. The United Nations Counter-Terrorism Centre is implementing 37 projects covering the four pillars of the United Nations Global Counter-Terrorism Strategy, such as a project to build capacity in terrorist designation and asset-freezing regimes, aimed at promoting rules-based, transparent and effective financial regulatory regimes to stop terrorists from accessing funds. UNODC has supported the efforts of Member States in strengthening criminal justice responses to terrorism in the Middle East and North Africa, sub-Saharan Africa, in particular the Sahel, West Africa and the Horn of Africa, Central, South and South-East Asia, the Pacific, Latin America and the Caribbean, and South-Eastern Europe. UNODC has trained more than 3,000 criminal justice officials in the prevention and countering of terrorism through some 100 national, regional and international workshops. In Mali, United Nations entities are providing assistance to support integrated implementation of the Global Counter-Terrorism Strategy through the Integrated Assistance for Countering Terrorism (I-ACT) initiative and MINUSMA has supported the investigation and prosecution of terrorism and transnational organized crime and the development of new laws to counter money-laundering and terrorist financing. OHCHR, with the support of the Office of the Counter-Terrorism Implementation Task Force, has provided training for law enforcement officials on the protection of human rights and the rule of law while countering terrorism in Iraq, Jordan and Tunisia.

Corruption

56. In support of the implementation of the United Nations Convention against Corruption, progress was made towards completing the first cycle of the Implementation Review Mechanism, with the publication of 45 additional executive summaries of country review reports in 2015. UNODC continues to support its network of regional anti-corruption advisers, which provides rapidly deployable professional expertise to support States in implementing the Convention. UNODC has produced a number of guidance tools, including a "Resource guide on good practices in the protection of reporting persons" and "National anti-corruption strategies: a practical guide for development and implementation". OHCHR has issued a compilation of best practices to counter the negative impact of corruption on the enjoyment of all human rights (A/HRC/32/22).

Natural resources and the environment

57. Progress was made in strengthening the environmental rule of law through activities in support of normative frameworks and institutions. The United Nations Environment Programme (UNEP) launched the Law and Environment Ontology portal to provide policymakers, citizens and researchers around the world with environmental law information. With other partners, UNEP supported the first Africa Colloquium on Environmental Rule of Law, which concluded in a joint commitment to strengthen environmental law in the region. The INTERPOL-UNEP Environmental Compliance and Enforcement Conference resulted in a global action plan, based on recommendations to enhance environmental security. In Africa, UNEP has supported the establishment of parliamentary conservation caucuses to further the adoption of policies and legislation, including the adoption of regulations to enforce the Wildlife Conservation and Management Act of 2013 in Kenya, the development of a conservation strategy and wildlife bill in Zambia and the establishment of caucuses in Malawi and Uganda. Further to the Montevideo Programme for the Development and Periodic Review of Environmental Law, UNEP has convened experts to identify priorities and challenges regarding environmental crimes, the regulation of air pollution and protection of the atmosphere, the sustainability of oceans and seas, and the legal foundations for environmental sustainability.

58. To further the linkages between human rights and environmental protection, UNEP, OHCHR and the Special Rapporteur on the issue of human rights obligations relating to the enjoyment of a safe, clean, healthy and sustainable environment have supported projects on good practices, climate change and biodiversity. They have also created a web portal containing legislation, policies, case law, administrative practices, projects and experiences on the implementation of human rights obligations relating to the environment.

59. To support the implementation of the United Nations Convention on the Law of the Sea, the Office of Legal Affairs delivered training to government officials in Somalia (funded by the Trust Fund to Support Initiatives of States Countering Piracy off the Coast of Somalia) and to 13 Pacific small island developing States (in cooperation with the Intergovernmental Oceanographic Commission of the United Nations Educational, Scientific and Cultural Organization and with support from the Korea Maritime Institute).

IV. Access to justice for all, including for the poorest and most vulnerable

60. Ensuring equal access to justice for all is essential for translating the principles of the rule of law into effective mechanisms to provide protection, redress and accountability for serious crimes and human rights violations. Justice services are often not accessible for populations living in poverty and/or in remote areas. In Djibouti, Kosovo, the State of Palestine, Somalia, and Timor-Leste, UNDP is working to deliver mobile legal aid services and legal awareness to populations in remote areas. In Egypt, Guinea-Bissau, Nepal, the State of Palestine, and Sri Lanka, UNDP has supported legal aid initiatives for vulnerable groups, especially women and pretrial detainees, and in Tajikistan, it has supported a State agency for legal aid centres. It has also supported the development of legal frameworks to facilitate the

provision of legal aid in Chad, Pakistan, the State of Palestine and Sri Lanka. In Haiti, MINUSTAH supported local bar associations in providing legal services to pretrial detainees and indigents. UNODC has promoted access to legal aid in criminal justice systems, for example in Ethiopia, where it supported the development of a legal aid manual, in Liberia, where it supported the Public Defense Office in ensuring access to legal aid for indigent clients, and in Mauritania, where it supported the development of legislation on legal aid. The Department of Peacekeeping Operations and the Department of Political Affairs have continued to support legal aid programmes in, for example, Darfur, Haiti, Liberia and Somalia.

61. United Nations activities have included assistance to facilitate access to justice for specific groups. In Kenya, UNHCR supported mobile courts for a refugee camp, allowing 1,043 persons to have their cases heard in 2015. It has also supported the authorities in Rwanda, Ethiopia, Uganda and Somalia, in improving access to justice for refugees and internally displaced persons, and supported legal assistance to Syrian refugees in Jordan and internally displaced persons in Pakistan. It has also supported access to justice for returnees, such as in the Central African Republic, where it supported female returnees in their land claims. In Algeria, access to justice for persons with disabilities was part of support provided by UNDP for the modernization of the justice sector. In Brazil, UNODC has trained public defenders in the provision of legal services to victims of human trafficking.

62. In support of civil society's efforts to improve access to justice, UNDEF supported projects in Rwanda, to provide access to justice to rural populations, in Sierra Leone to enhance women's access to justice and in Zimbabwe to educate ex-farm workers on the use of justice institutions.

V. System-wide coordination and coherence

63. Rule of law coordination arrangements are organized around a three-layer structure: at Headquarters, the Rule of Law Coordination and Resource Group, with the support of the Rule of Law Unit in the Executive Office of the Secretary-General, facilitates strategic policies and information-sharing; the Global Focal Point for police, justice and corrections areas in the rule of law in post-conflict and other crisis situations, led jointly by the Department of Peacekeeping Operations and UNDP, provides coordinated Headquarters support to country-level requests for rule of law assistance; at country level, the most senior official in each setting is responsible for overseeing United Nations rule of law strategies and coordinating country support on the rule of law.

64. A new coordination thematic group, including United Nations entities and international NGOs, was established under the leadership of UNDP and UNHCR and as part of the Solutions Alliance to leverage United Nations rule of law assistance to people affected by forced displacement.

A. Strengthening coordination and coherence at Headquarters

65. The current membership of the Rule of Law Coordination and Resource Group consists of 20 United Nations entities with rule of law components in their

mandates. It thus brings together policymakers on the rule of law from a wide range of areas of work across the United Nations system. In support of the Group, the Rule of Law Unit in the Executive Office of the Secretary-General has facilitated discussions and the development of policy guidance on specific areas of the rule of law, such as land- and conflict-related issues or displacement situations. To enhance the dissemination of information among Member States, United Nations entities and the general public, the Rule of Law Unit undertook a revision of the rule of law website aimed at facilitating access by streamlining its design and integrating the content with the main United Nations website.

66. Further to the invitation from the General Assembly to continue the dialogue between the Rule of Law Coordination and Resource Group and Member States, the Rule of Law Unit organized an informal briefing of the Global Compact and its Business for Rule of Law initiative, and a briefing from UNICEF, the Special Representative of the Secretary-General for Children and Armed Conflict and the Special Representative of the Secretary-General on Violence against Children. To continue the dialogue with Member States on the rule of law at the international level, the Rule of Law Unit, together with the Permanent Missions of Australia and Japan, hosted a discussion on the theme of "Strengthening the rule of law through the United Nations Security Council".

67. The Rule of Law Unit has continued to facilitate the sharing of national practices to advance specific aspects of the rule of law. The Permanent Missions of Argentina, Rwanda and Turkey, together with the Rule of Law Unit on behalf of the Rule of Law Coordination and Resource Group, hosted an event on the theme of "Implementing international standards and norms: sharing national practices on prison reform". The Permanent Missions of Finland and Tajikistan, together with the Rule of Law Unit on behalf of the Rule of Law Coordination and Resource Group, hosted an event on the theme of "Sharing national practices: ombudsman institutions — guardians of the rule of law". The Permanent Missions of Italy, Mexico and Turkey, together with the Rule of Law Unit on behalf of the Rule of Law Coordination and Resource Group, hosted an event on the theme of "E-justice: sharing national experiences in enhancing transparency, effectiveness and access to justice".

B. Headquarters support to country-level requests: Global Focal Point for police, justice and corrections

68. The Department of Peacekeeping Operations and UNDP, with OHCHR, UN-Women and UNODC, has continued to consolidate delivery through the global focal point arrangement. Improved joint and coordinated support has been provided in the areas of rule of law and human rights to field colleagues working in peace operations and in other conflict and post-conflict settings.

69. Between August 2015 and May 2016, Global Focal Point partners supported the design and establishment of the Special Criminal Court in the Central African Republic and helped to design a project on the Joint Integrated Police in South Sudan. Global Focal Point partners also deployed experts to help develop a strategy and vision for United Nations rule of law support in Guinea-Bissau and formulate a joint rule of law and human rights programme in Darfur. UNAMID and UNDP have already made significant strides in supporting prison reform in Darfur, facilitating

continued legal aid to vulnerable communities and improving community security in and around camps for internally displaced persons.

C. Country-level rule of law arrangements

70. United Nations senior leadership at the country level is responsible for guiding and overseeing rule of law strategies and for coordinating country support on the rule of law. Instances of joint United Nations assistance include activities in the Central African Republic to support national counter-impunity efforts, including prison inspections and legal assistance to the accused. In Timor-Leste, UNDP and UN-Women are jointly working on supporting gender-responsive policing within the national police. In Darfur, Haiti and Liberia, where United Nations peace operations are scaling down, Global Focal Point partners have been working together to ensure a smooth transfer of responsibilities. MINUSTAH, UNDP, UN-Women and UNICEF are developing a transition and resource mobilization plan to ensure continuity of rule of law assistance in the context of mission transition. Following the adoption of the Agreement on the Resolution of the Conflict in the Republic of South Sudan, United Nations Police, UNDP and national counterparts have raised approximately $2 million for the training of Joint Integrated Police. United Nations Police have identified 41 police trainers within the United Nations Mission in South Sudan and deployed a further 36 new trainers for the project.

D. Strengthening the rule of law in the Organization

71. The internal system of administration of justice is an essential component for the observance of the rule of law within the Organization and for its staff members. As at 1 July 2016, the United Nations Dispute Tribunal had issued 1,293 judgments, while the United Nations Appeals Tribunal had issued 650.